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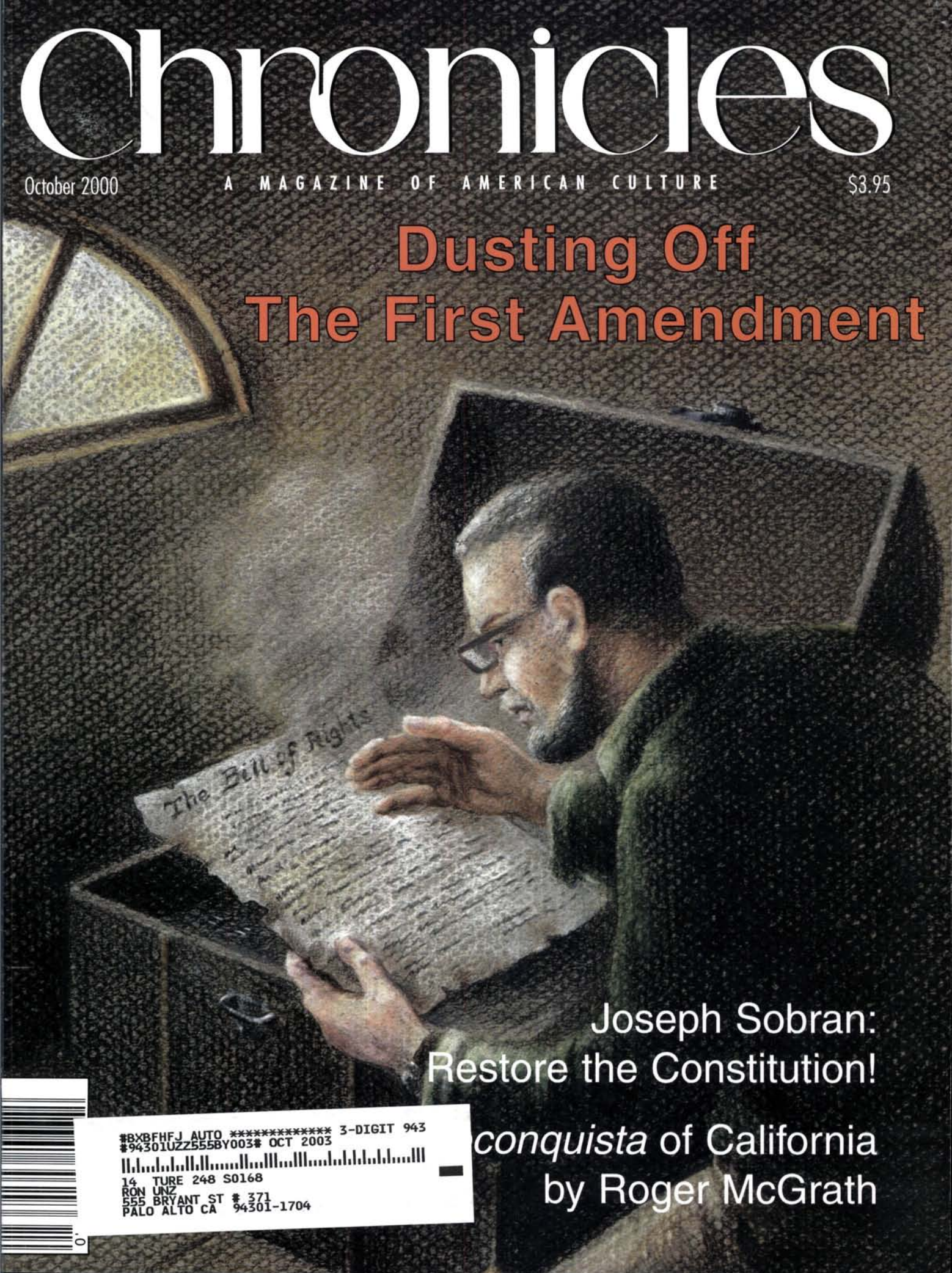

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EDITOR
Thomas Fleming

EXECUTIVE EDITOR
Scott P. Richert

SENIOR EDITOR, BOOKS
Chilton Williamson, Jr.

ASSISTANT EDITOR
Jeffrey Thomas Kuhner

ART DIRECTOR
H. Ward Sterett

DESIGNER
Melanie Anderson

CONTRIBUTING EDITORS
Katherine Dalton, Samuel Francis, George Garrett, Paul Gottfried, Philip Jenkins, J.O. Tate, Michael Washburn, Clyde Wilson

CORRESPONDING EDITORS
Janet Scott Barlow, Bill Kauffman, Donald Livingston, William Mills, William Murchison, Andrei Navrozov, Jacob Neusner

FILM EDITOR
George McCartney

FOREIGN AFFAIRS EDITOR
Srdja Trifkovic

LEGAL AFFAIRS EDITOR
Stephen B. Presser

RELIGION EDITOR
Harold O.J. Brown

EDITORIAL SECRETARY
Leann Dobbs

CIRCULATION MANAGER
Cindy Link

PUBLISHER
The Rockford Institute

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On Episcopalianism

While William Murchison (*Cultural Revolutions*, June) is correct that the United States, and, in particular, almost all of its nominally Christian bodies, should be seen as a missionary field, his prescribed cure will only make the patient more gravely ill.

Protestant faith is being eaten alive by a monster with three heads: heresy, Anglo-Catholicism, and charismatic theology. Worldwide Anglicanism has the distinction of being consumed by all three. Sadly, the "two stoutly Orthodox American priests" who were consecrated as "missionary bishops to the United States" are charismatics, as are the consecrating bishops from Singapore and Rwanda. While charismatics seem conservative compared to an heretical church which does not defrock the likes of Bishop Spong, this wing of Anglicanism is as guilty of making "frantic accommodations to the secular culture" as is the archbishop of Canterbury.

As Mr. Murchison writes, the religion of the Bible should be what Episcopalians offer on their (silver or roughhewn) platter, but the Bible was removed from that platter in 1979 with the demolition of the Book of Common Prayer. In fact, Anglicanism has been splitting apart over theological issues throughout its long history, and the heresies of 1979 were the watershed of a larger schism. Why have "conservative" charismatic Episcopalians not left an Anglican Communion that has been in heresy for 20 years? Because on the central question—what is Scripture, and what does it demand of Christians?—this group is as slippery as the heretics who permeate the Episcopal Church U.S.A.

The 1928 Book of Common Prayer, like all of its predecessors, is grounded in Scripture, including 1 Corinthians 14, where St. Paul declares that speaking in tongues and other charismatic "signs of Spirit" are no longer means of the manifestation of the Holy Ghost. That is why charismatic worship didn't gain acceptance in the Episcopal Church until after 1979. Charismatics are also none too fond of the 450-year-old Prayer Book's stark Morning Prayer Confession, in which the sinner expresses to God that he "has no health" in him, and that he is a "miserable offender . . . " That sort of worship and language won't "pack 'em in" the "contemporary" worship hour of our sensationalist culture. To be a "conservative" in the postmodern Anglican Communion simply means opposing gay "marriage." Charismatics differ from their more liberal brethren only in style and taste; hence, they have been quite comfortable in the Anglican "Big Tent," where the ordination of women is in, and the 39 Articles of Religion are out.

A handful of tiny denominations, seeing in 1979, that the emperor had no clothes, began to weave some, and they have grown rapidly over the last 20 years. My own denomination, the Traditional Protestant Episcopal Church in Point Clear, Alabama, has expanded from one broken-down old church building, one minister, and seven parishioners in 1984, to a home parish of approximately 170 members, three out-of-state parishes, eight clergymen, and a website (*www.reformer.org*) which gets more and more visits each day. By maintaining the Christianity of Cranmer, Calvin, and Wesley, little parishes such as ours are restoring the true Anglican Church. I invite Mr. Murchison and other concerned Episcopalians to join us and to forget about having tea with the archbishop—which, unfortunately, the charismatics are unwilling to forgo.

—James P. Hunter
Montrose, Al.

As a cradle Episcopalian, I eagerly read William Murchison's *Cultural Revolutions* on the Episcopal Church. I have watched the Church's decline and was anxious to see what new light this article might shine on the situation. I was stunned.

What was he trying to do? I cannot figure it out. Mr. Murchison is the editor of *Foundations*, a publication of the Episcopal Synod of America, and undoubtedly fully informed about the struggle for Anglican orthodoxy. I can only imagine he has written with such subtle irony that his purpose is beyond me, and nearly any reader, even those of *Chronicles*.

He begins in the past tense: "The Episcopal Church used to offer salvation—on the inevitable silver-filigreed platter . . ." He then comes to the present: a "rougher-

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hewn brand of salvation" is now available to save the Church, or failing that, to provide an Anglican gathering point in the United States. This new witness, he tells us, is provided by two "stoutly orthodox" Episcopal priests recently consecrated to serve as missionary bishops to America. He does not raise the question of how these men might be more effective than the orthodox bishops of yesteryear, who were shouted down. He closes with, "It's what's actually on the platter that counts—right?"

Both the silver-filigreed platter and what was offered on it bear close consideration. The reason is not to understand the wonderful metaphor, but to get past the amusing comfortableness of it, and to consider the terrible possibility that the platter and "immaculate taste and good manners" grew dearer than the salvation on it. The salvation offered was the catholic compliment of graces bestowed on, and affirmed by, the undivided Church. This faith and practice—without reformers' deletions or Roman accretions—is the Anglican hallmark. Regaining this balance in the storm of Reformation and Counterreformation, and maintaining it in the heaving waves that followed, is the great achievement of the Church of England. But Satan never rests: In time, he raised waves to wash over the orthodoxy.

The problem facing these new "missionary bishops" is, by now, an old one. It began in the first half of the 20th century from a combination of forces and blossomed by the late 60's, eventually removing the Anglican and Catholic nature from the Episcopal Church. In response, the continuing Church movement arose among Episcopalians, most visibly in 1977 at the Congress of St. Louis, out of which marched the Anglican Catholic Church, determined to maintain an Anglican presence in America. Today's major derivatives are the Anglican Province of Christ the King and the Anglican Church in America. As a result, there are hundreds of traditional Anglican churches across the country established by former Episcopalian clergy and laity. And within the Episcopal Church itself, there is Mr. Murchison's Episcopal Synod of America, trying to call the Church back to orthodoxy.

These jurisdictions offer salvation in the essentials of Anglicanism—"lots of old-style religion," most often roughhewn, and only occasionally on a silver platter—but their cry in the wilderness is unanswered. The deafening silence is puzzling. In small part, this may be because the call is consistently ignored by commentators such as Mr. Murchison, but surely there is another reason.

Looking beyond the article and at Anglicanism in its present state, I submit a different conclusion: that, in fact, it *is* the platter that matters. Objectively, the evidence forces the conclusion, because what was on the platter has been available in the continuing churches for 25 years . . . and rejected. That it is rejected by Mr. Murchison is disheartening. That, in this latest form, it will be rejected yet again is certain. Satan never rests.

—James Muse Davis
Starkville, MS

On Speaking in Opar

Although I enjoyed Brian Kirkpatrick's "Letter From Barsoom" (*Correspondence*, May) and have no desire to diminish its claims for the uniqueness of Argentine culture, I must point out an error. Dr. Kirkpatrick claims that only the Argentines use *vos*, but the Costa Ricans also use it and, as my patriotic Tico neighbor regretfully admitted, so do the Nicaraguans.

—Bill Isley
Santo Tomás de Santo Domingo de Heredia
Costa Rica

CULTURAL REVOLUTIONS

THE REFORM PARTY's national convention convened in Long Beach, California, in early August. I arrived, filled with a mixture of anticipation and trepidation: I fully expected Patrick J. Buchanan to overcome the last obstacle to launching what promises to be an historic campaign; on the other hand, I knew the anti-Buchananistas weren't going to make it easy. Indeed, in the weeks before the convention, ominous reports poured off the newswires: "Reform Party Convention Will Be a Brawl"; "Convention Security Increased"; "Reform Party Rumble." Should I pack my brass knuckles?

My own role at this convention was somewhat strange. I had press credentials, and, armed with a laptop and adorned with the yellow badge that granted me instant access to everything, I could have passed for a member of the Fourth Estate (complete with beeping cell phone) if not for the wild glint in my eye that pegged me as a Buchananite—and a delegate to boot! Tapping madly away in the press room, seated in front of the *New York Times* and next to CNN, I sent in my twice-daily reports via modem and then hurried to the nearest phone booth, quickly changed badges, and spent the rest of my time trolling the convention floor.

Although I had been told in advance that I might be asked to speak, I was given the final word only when I arrived. The most gratifying aspect of this was the opportunity to criticize CNN. For three days, I had been listening to the CNN crew disparage the delegates as "weirdos" and watching them cobble together the sound bites that served as ammunition in their propaganda war against Buchanan. Naturally, I said nothing—I was saving my criticisms for my speech, when I could address CNN's Gary Tuchman from the podium.

I had a special enmity for dear little Gary, who looked like a malicious schoolboy while producing reports featuring John Hagelin, a dippy disciple of the Maharishi Mahesh Yogi who teaches "physics" at "Maharishi University" and has been the standard-bearer of the "Anybody but Buchanan" forces. Hagelin's ovoid face and bald pate, skin shining with sweat under the klieg lights, made him look like a hard-boiled egg. Tuchman asked him no tough questions—does he really believe in "yogic flying," or that the answer to the Kosovo problem is transcendental meditation?—but let him present a televised version of his legal brief to the Federal Election Commission, arguing that Buchanan had committed election fraud.

I was thinking of Tuchman when, the next day, I told the delegates during my prime-time speech: "Oh, I know what they'll tell you on CNN, and in the *New York Post*; we've all heard the same tired mantra: The Reform Party is supposed to

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be imploding. The sad collection of cranks and would-be party bosses who walked out of our convention have more of a following in the CNN newsroom and on the editorial page of the *New York Times* than they have in the Reform Party. Fortunately, Judy Woodruff is not going to decide who gets to carry the banner of Reform in this election—and thank God for that!"

Tuchman knew I was speaking directly to him. As I headed for the press room after my speech, my assistant came running up to me: "CNN is looking for you! They asked about you!"

Tuchman's blonde female producer-assistant gave me a dirty look as I walked into the room, her angular chin jutting upward, her eyes narrowed with contempt. One of the hated "weirdos" had finally struck back, and she was angry. I smiled (inwardly) and started packing up my laptop; as I passed Tuchman on the way out, he turned to me and asked: "What media organization are you with?"

Holding my yellow badge up to eye level, I replied: "*Antiwar.com*—we're your competition."

"You seem to have some complaints about our coverage," he responded.

I didn't even bother mentioning the previous night's broadcast. Instead, I went straight for the jugular. "Yes," I said, "there was that little business about reporting 100,000 Kosovars supposedly murdered by the Serbs during the Kosovo war; Christiane Amanpour reported that figure. Then it was reduced to 50,000, then 10,000, then even less—without ever acknowledging any change." His boyish features seemed to age before my eyes, wrinkled by the moral impact of my critique. A kinder, gentler man might have taken pity on him, but I wanted to make him cry.

"And what about all those military 'interns' who somehow wound up working for your 'news organization' during the Kosovo war?" I continued. "What was up with *that*?"

Was that a tear sliding down his cheek? Maybe it was my imagination, but I could have sworn I saw a bit of moisture gather at the tip of his eyelash, a glint of remorse for his sins. That's why I took his hand when he offered it in a kind of peace handshake—the kind that signifies surrender.

A small victory, but we must take them when and where we can.

—*Justin Raimondo*

JOSEPH LIEBERMAN, Al Gore's pick for vice president, is supposed to bring the Democratic ticket back to the center. Gore secured his presidential nomination by pandering to leftist interest groups, from radical feminists and "gays" to supporters of abortion and Sharptonite hate purveyors. But to have any chance of winning in November, he needed a "New Democrat" who could appeal to the millions of moderates who are sick and tired of the Clinton era.

Enter Sen. Joseph Lieberman, whose public criticism of President Clinton during the Lewinsky affair is now deemed a political asset. As an orthodox Jew, the theory goes, Lieberman will appeal to devout people of all faiths. (They are interchangeable, after all.) And, as a friend and anti-smut ally of former Secretary of Education Bill Bennett—a "leading conservative"—Lieberman has upset Hollywood by demanding that it "clean up its act." (Of course, Hollywood liberals have nowhere else to go, and they understand that Lieberman's criticisms will have no real consequences.)

A genuine centrist, Lieberman is the model of the "New Democrat" that Clinton and Gore pretend to be. More importantly, in the words of the *Jewish World Review*, "He would lend gravitas to a ticket headed by a man whose prime characteristic is a willingness to say or do anything to get elected." And the *Jewish Ledger* claims that the presence of Lieberman on the Democratic ticket will entice "independents and Republicans who are less than enamored with George W. Bush, to support a Gore candidacy."

Lieberman has been promoted relentlessly by Washington insiders, notably the *Weekly Standard* and *Roll Call* pundit Morton Kondracke. From that fact alone, we know that the Gore campaign is doomed: An endorsement by the *Weekly Standard* is fatal to any political hopeful. Remember how Bill Kristol and company hailed John McCain as the new populist hero who would defeat George W. Bush—one week before the Arizona senator pulled out of the race?

The problem with Beltway pundits is that they don't understand the ordinary people they presume to lead. Their arrogance makes them oblivious to the fact that Al Gore is downright charismatic by comparison to Lieberman. The Connecticut senator cannot save Gore's campaign, and not merely because he voted in favor of visas for "skilled workers," global free trade, and welfare benefits for immigrants. Not even the fact that he has received substantial funds from Albanian lobbyists ($10,000 from the National Albanian-American PAC in 1994 alone) will necessarily harm this champion of campaign-finance reform.

No, Bush is now safe because Lieberman's inability to come across as a regular guy, to look like someone with whom you would want to have a beer, exceeds even Gore's. The mere thought of four years of Gore *and* Lieberman on the nation's flickering screens is enough to make Canada seem like an exciting place of exile; it will also be enough to propel Bush and Cheney into the White House.

That is not particularly significant in itself: This year's presidential choice has been rightly compared to the choice between Coke and Pepsi. The GOP's soda, while uninspiring, is at least cold and fizzy. With Lieberman on board, the brew offered by the Democrats is even flatter and more tepid than before.

—*Srdja Trifkovic*

RALPH NADER, the Green Party presidential nominee, may be the decisive factor in the November election. In closely contested states—Washington, Oregon, Colorado, Ohio, Michigan, and Pennsylvania—Nader is likely to receive three to five percent of the vote, mostly from Al Gore's electoral base. That is not much, but it may be enough to hand the election over to George W. Bush.

Nader insists that his real objective is not to win the presidency (which he knows is impossible), but to build an enduring third party and a "progressive political community" that will challenge the two-party system entrenched in Washington. Nader's campaign taps into a growing desire for an alternative to the vacuous, centrist policies of the Democrats and Republicans. Modeling his movement on the Populists and Progressives at the turn of the 20th century, Nader seeks to restore participatory democracy and to end the stranglehold of corporations and big money on American politics. He looks back to the 1960's, and many of his ideas resemble the best elements of the New Left—slashing attacks on big business, opposition to American interventionism, and support for local civic activism.

Instead of embracing the leftist mantle, however, Nader insists that he is the only truly "conservative" candidate in the race. Absurd as this sounds, there is a

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grain of truth in it. He is a ferocious critic of globalization and its faceless corporate culture, and a staunch opponent of NAFTA, the WTO, the IMF, and the World Bank. Nader argues that the greatest threat today to "traditional values" does not come from Marxism or even countercultural leftism; rather, he insists the most revolutionary force is that of global capitalism, which undermines national sovereignty, community, and the family. Like traditional conservatives such as Richard Weaver and Russell Kirk, Nader laments the "commercialization" of culture and the emphasis on individual gratification.

As part of the unending campaign to smear Pat Buchanan, David Brooks (among others) has tried to raise the alarm that Nader's message could signal an alliance between the populist left and the Buchananite right. Brooks is wrong (as usual). Despite Nader's opposition to economic globalization, he and Buchanan have little in common: Nader is not a populist but an elitist leftist who champions the regulatory state. His solution to the problems of corporate plutocracy and government corruption is to embrace Western European-style socialism: He wants public financing of elections; universal health care and daycare; the nationalization of leading corporations; confiscatory taxation of "the rich"; and an increase in the minimum wage to $12.50 an hour (if the Greens want to end economic growth, that is the surest way to do it). Like all leftists, he has never met a government spending program he didn't like.

Then there is the Green Party. Composed primarily of environmental extremists, animal-rights zealots, and burnt-out hippies who want to legalize marijuana, the Greens are a bizarre collection of moral anarchists and vegetarians, culturally to the left of the Democrats (if that is possible) on issues such as abortion, gay rights, and feminism.

Despite their similar positions on trade and the need to restrain corporate power, Nader and Buchanan will never form a coalition for one reason: Culture, not economics, is the driving force of politics. For most leftist populists, the choice is not between Nader or Buchanan, but between Nader or Gore, because abortion, women's rights, and gay and sexual liberation is ultimately more important to these voters than national identity and state sovereignty.

Nader's worldview can be distilled to one simple idea: Business is evil. Although his message resonates with white middle-class students on college campuses, it is too narrow and superficial to serve as the foundation of an enduring political movement.

Nonetheless, the Democrats are making a strategic error by ignoring him. They believe that, as election day approaches, Nader's supporters will lose their nerve and vote for Gore. Instead, Nader may do to the Vice President what Ross Perot did to George Bush in 1992: appeal to enough disaffected voters to damage—perhaps fatally—Al Gore's bid for the presidency.

—*Jeffrey Thomas Kuhner*

PRESIDENT CLINTON slid to the edge of his chair and clasped his hands together. "Polls can be tricky," he said, an eager glint in his eye. Finally, the other Bill—the Rev. Bill Hybels—had stopped asking those "tough" questions about Clinton's "current spiritual condition" and addressed the real reason for the interview: leadership skills.

This, of course, was the media-touted "confession" by President Clinton at the Willow Creek Community Church Leadership Summit, the week before the Democratic National Convention. Bill Hybels, pastor of Willow Creek Community (mega-)Church in Barrington, Illinois, asked the President to submit to a "no-holds-barred" interview on techniques of effective leadership. Since 1992, Hybels has flown regularly to Washington to act as the President's "spiritual advisor."

Clinton's "confession"—in reality, nothing more than an attempt to grant political absolution to Al Gore for his passivity during the Lewinsky scandal—was the icing on the matzo cake of Joe "tough on Clinton" Lieberman. The local press focused on protests by pro-life evangelicals who were stunned that Bill Hybels had invited the man who vetoed the ban on partial-birth abortion to speak to a crowd of 4,500 pastors (and a satellite audience of 11,000) on how to lead their flocks. Hybels claimed that he "received a fax last night indicating unapologetic, intense hatred for the President, and it was signed, 'Reverend.' When I read that, the unashamed admission that he was carrying hate in his heart, the thought came to my mind, 'When did Jesus change the hate rule? Did this guy get an addendum to his Bible that I missed?'" In the world of Willow Creek, leadership is more about style than substance.

"I don't use polls to decide what my conviction is," said the President, "but rather, how I can convince you that what I already believe is right." Got that? Clinton is not concerned about making an argument; he is talking about manipulation, spin, or "packaging" (as it is called at Willow Creek). You might think that this sort of duplicity would be offensive to Christians—another example of Clinton's inability to tell the truth. On the contrary, it endeared him to the crowd of Willow Creek disciples because they realized—some, perhaps for the first time—that his style is a reflection of their own. In fact, Clinton seemed to intimate that he *learned* this approach from none other than Bill Hybels.

Some 25,000 "visitors" pass through the doors of Willow Creek Community Church every weekend. This "success" is the result of years of "programming," all of which began with . . . a poll. Hybels, a seminary dropout, started a youth ministry at the local Willow Creek Theater in 1972. He was convinced that typical church youth groups were not successful because they lacked "excellence": rock 'n' roll and high-tech theatrics. After a few years of moderate success with a weekly show, new challenges arose: The core teenagers were becoming adults. Hybels and his colleagues, eager to convert their rollicking youth ministry into a church for young adults, decided to poll the residents of the affluent Chicago suburb of South Barrington about why baby boomers don't go to church.

The poll showed that boomers don't want to be asked to contribute money; they want to remain anonymous; they don't like "irrelevant" sermons; they like rock 'n' roll, not pipe organs and choirs. Thus, Willow Creek was born. Today, at their sprawling, $100-million campus, they have "seeker services" on weekends designed to "package" the Gospel based on poll results. There is no sanctuary at Willow Creek—only a large modern theater with professionally designed sets for the weekly dramas (mini-plays with titles such as "What Would Jesus Say to Madonna," "Sex, Money, and Power," and "The God You're Looking For"). A band jams on popular Christian rock songs and Top 40 tunes that are vague enough to fit the day's theme. (I once heard "Cat's In the Cradle" and "In the Living Years" on the same occasion.) Hy-

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bels paces back and forth across the stage behind a large glass podium, often delivering his sermon in khakis and a polo shirt.

The seeker service is designed to get you in the door. Then, you can be introduced to the cultural life of Willow Creek—the food court, the health-and-fitness center, the singles groups, and the "New Community." The "New Community" is the "real" church service for "fully devoted followers." There, you will be expected to sing (though still with a rock band), and the sermons are slightly less "relevant."

This may sound like a weird cult that meets just 50 miles from The Rockford Institute. But the Willow Creek vision has moved beyond the plexiglass walls of the theater and now seeks religious hegemony through the transdenominational Willow Creek Association. Pay $249 per year, and Hybels will help you transform your dying Methodist, Baptist, or Evangelical Free Church into a Willow Creek clone. There are now over 2,000 churches in the Willow Creek Association, and many evangelical seminaries offer credit for attending leadership seminars at Willow Creek.

"I met Bill Hybels at the Governor's Mansion in Little Rock when I was president-elect," boasted Clinton. "I was impressed with the way Willow Creek got started, and I applaud the work Willow Creek is doing to revitalize churches across America." Since becoming President, Clinton said, "I have learned a lot about what I do by watching what [Hybels] does." Indeed.

—*Aaron D. Wolf*

THE ROCKFORD SCHOOLS CASE continues, and, as the most recent ruling by Magistrate P. Michael Mahoney makes clear, there is no end in sight. On August 11, the imperial ruler of Rockford denied the school board's motion for "unitary status," a legal term denoting the end of court control. In itself, that's no surprise: Other than a couple of board members with delusions of grandeur, no one expected this case to end after only 11 years and one-quarter of a billion dollars. Still, the vehemence of the magistrate's attack on the "white majority" of the school board for appearing on a stage with a "co-founder of . . . the League of the South" (namely, the editor of this magazine) struck most people in Rockford as a bit excessive.

The second Rally for Rockford, to which the magistrate referred, took place on February 16, 1998, and featured, among others, Don Manzullo, the congressman for Illinois' 16th District, and Stephen Presser, the legal affairs editor for *Chronicles* and the Raoul Berger Professor of Legal History at Northwestern University School of Law. (See *Cultural Revolutions*, May and July 1998.) Interestingly, Mahoney fails to note their presence at the event, and he doesn't acknowledge that it was sponsored by The Rockford Institute, rather than the League of the South (which had nothing to do with it). Instead, he characterizes the rally as a series of "rousing speeches before a raucous crowd." He condemns the school board members for exercising their rights to free speech and free association, writing: "Board President Patricia Delugas, Vice President Theodore Biondo, and member Mr. [David] Strommer, all members of the white majority, were featured guests at this rally. Ms. Delugas and Mr. Strommer testified at trial that they had received personal pleas from the head of the local chapter of the NAACP alerting them to [Thomas] Fleming's associations and urging them not to attend. . . . They did attend, however, and together with Mr. Biondo appeared on the dais with Mr. Fleming himself." In a footnote, Mahoney complains that "The videotape of the rally reveals that Mr. Fleming, in his own speech that night, characterized the federal courts as 'imperial' and the undersigned magistrate judge as a 'viceroy.'" The statements made by the board members and Dr. Fleming, he argued, "speak for themselves. They do not show the court, much less the minority community, a good faith commitment to the [desegregation] decree or the principles underlying it."

Of course, as Mahoney's own ruling indicates, the school district has implemented (to the detriment of public education in Rockford) almost every element of the court's decree. That fact has left many in Rockford scratching their heads: If the board has followed the court's orders (even while they were appealing them), then why shouldn't the district be released from court control? This straightforward bit of logic, however, misses the point. The magistrate's insistence that "good faith" is measured by words, rather than deeds, is an attempt to turn the rule of law on its head. Compliance with the law has always been measured by action; under Mahoney, it must be measured by purity of thought. The board members' exercise of their First Amendment rights to free speech and free association have become hate crimes. The same is true of those who would like to see Rockford return to neighborhood schools (the only successful form of public education). One of the statements that the magistrate believes "speak for themselves" was made by Patti Delugas: "Neighborhood schools are illegal and inherently racist. False!"

School board members aren't the only citizens of Rockford who Mahoney seems to think are guilty of hate crimes. He begins his attack on the "white majority" of the board by noting that "Historically, the Rockford Board of Education has been predominantly made up of white members. That holds true today: five of the seven members currently sitting are white, while one is Hispanic and one is African-American." In the magistrate's eyes, the voters have shown their own bad faith by electing a "white majority." (Never mind that the district's seven subdistricts have been gerrymandered to ensure minority representation; or that only 14 percent of the population of Rockford is black, while less than ten percent is Hispanic; or that the board's votes rarely—if ever—split along racial lines.) Refusing to grant the district unitary status, Mahoney writes: "The court's experience in this case and the evidence admitted at trial make one proposition exceedingly clear: This Board, at this time, cannot be fully trusted with the constitutional welfare of the minority stu-

BOOK OF NEXT MONTH

Our book for next month is *Democracy and the American Party System* by Austin Ranney and Willmoore Kendall. While Ranney and Kendall ultimately support a vigorous two-party system, they point out the important role that third parties have played in raising issues that the dominant parties refuse to address.

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dents committed to its care." Apparently, he finds it irrelevant that the parents of those minority students helped elect this board; the court must retain control until the voters become more enlightened.

While the ruling mentions the possibility of ending the case by 2006, everything is conditioned on "good faith," as determined by the magistrate. Local business leaders and politicians are trying to claim that the ruling reveals the light at the end of the tunnel, but the average citizen of Rockford knows better: Since August 11, "For Sale" signs have been popping up like mushrooms after a rain.

—*Scott P. Richert*

VLADIMIR GUSINSKY, the Russian media magnate, has escaped the long arm of the law. The Russian General Prosecutor's Office dropped charges of illegal privatization of state enterprises against the Kremlin's chief nemesis, rescinding the freeze on his property and lifting a ban on foreign travel. Gusinsky promptly headed for his home in Spain. His NTV network was uncharacteristically restrained in its coverage of what should have been a triumphant moment. For months, the Kremlin had wielded its nightstick against the oligarch's Media Most company: Gusinsky had made the serious mistake of supporting the "Fatherland" bloc against the Kremlin-backed "Unity" movement in parliamentary elections last fall. Moreover, Gusinsky had seriously misread the mood of Russian society: Both the general public and Russia's elites took a dim view of his media's criticisms of the Chechen campaign and its portrayal of President Vladimir Putin as a clumsy policeman with a Napoleon complex.

Rumors that Gusinsky had cut a deal with the Kremlin soon appeared in the Russian press. Some Kremlin sources have claimed that Gusinsky was allowed to leave the country only after he promised to toe the Kremlin "information line." This is certainly plausible: Putin's henchmen in the "power structures"—the police and security apparatus—have been pressuring journalists to jump aboard the "patriotic" bandwagon for some time. But there may have been another reason why "Gus" backed down. Attempting to expand his media empire to North America, Europe, and Israel (he is a dual Russian-Israeli citizen and heads the Russian Jewish Congress), Gusinsky has become buried under a mountain of debt—and one of the largest creditors just happens to be Gazprom, the partly state-owned gas monopoly. Certain people close to the Kremlin apparently saw an opportunity to seize control of NTV by forcing Gus to pay up with shares in his Media Most Company.

Western observers have misinterpreted moves against Gus and other magnates who have lost their Kremlin connections as evidence that Putin intends to destroy the oligarchs—the gangster tycoons who ruled the Kremlin roost under Yeltsin—and institute a "dictatorship of law." Don't bet on it. The "redivision of property" seized illegally or through insider deals during the Yeltsin years continues, and the likely beneficiaries of a "review of privatization" will be a narrow circle of "young oligarchs" such as 34-year-old Roman Abramovich, boss of the Sibneft oil company and the metallurgy monopoly, Russian Aluminum. Thus far, the "war on the oligarchs" has left the young Turks—who appear to have persuaded Putin that they are Russian patriots determined to rebuild their country's industrial might—and their mentor, Boris A. Berezovsky (BAB), unscathed, raising the possibility that the broad elite coalition that brought Putin to power will break down.

Meanwhile, BAB has once again made some unexpected moves, announcing that he will resign his seat in the State Duma to organize a "constructive opposition" to what he considers disastrous political reforms. BAB's announcement coincided with the renewal of ethnic unrest among his former constituents in the Caucasian Karachay-Cherkessk republic, a series of terrorist attacks on Russian soldiers in Chechnya, and rumors of divisions among Kremlin insiders. Those who know BAB best suspect that the master of intrigue may have caught wind of Abramovich's alleged secret meetings with Alexander Voloshin, Putin's chief of staff; the two young Turks have apparently decided that BAB has outlived his usefulness to the Kremlin. If "oligarch number two" (Gusinsky) could be toppled, why not "oligarch number one"?

—*Denis Petrov*

OBITER DICTA: If this issue of *Chronicles* seems thicker than usual (in size, not in content), that's because, for the first time since September 1991, we've added eight pages. Over the next year, we intend to publish expanded issues once every quarter. The good news is that we don't intend to raise the cost of your subscription; the bad news is that the printer will have to be paid for the extra pages. If, a year from now, enough readers have been able to find it in their hearts (and wallets) to make up for our $5,000 in additional cost, then we'll continue to produce 60-page issues. Please send your donations to *Chronicles* + 8, 928 N. Main St., Rockford, IL 61103. As always, your gifts are tax-deductible as long as they are made out to The Rockford Institute.

Speaking of donations, a long-time supporter of *Chronicles* is willing to make a gift roughly equivalent to the cost of producing a single issue of the magazine, but he wants the rest of our readers, collectively, to match it. If you have donated to *Chronicles* before, he will match your gift dollar for dollar. If you have never given before, he will double your gift. Please help us to take advantage of this tremendous opportunity.

The 11th Annual Meeting of the John Randolph Club is fast approaching; if you haven't made your reservations yet, please see the advertisement on the inside front cover of this issue.

Our poet this month is **Brendan Galvin** of Truro, Massachusetts. Mr. Galvin is the author of 12 collections of poetry, including *The Strength of a Named Thing* and *Sky and Island Light* (Louisiana State University Press). In 1998, his translation of Sophocles' *Women of Trachis* appeared in the Penn Greek Drama Series. Mr. Galvin has been awarded a Guggenheim Fellowship, the Sotheby and Levinson prizes, and the first O.B. Hardison, Jr., Prize from the Folger Shakespeare Library in Washington, D.C.

Chronicles is illustrated this month by St. Petersburg native **Anatol Woolf**, who, in addition to freelance work, has designed sets for theaters in Russia and provided illustrations for St. Petersburg Textbook Publishers. Since coming to America in 1987, Mr. Woolf has been a frequent contributing artist to *Chronicles*, as well as to the *Washington Post*, the *Washington Times*, *Policy Review*, *National Geographic Traveler*, *Legal Times*, and *Cricket*. Mr. Woolf works with a variety of materials, from watercolors to pencil to acrylic. Further samples of his work are available on his Web page: *www.netcom.com/~a.woolf/*.

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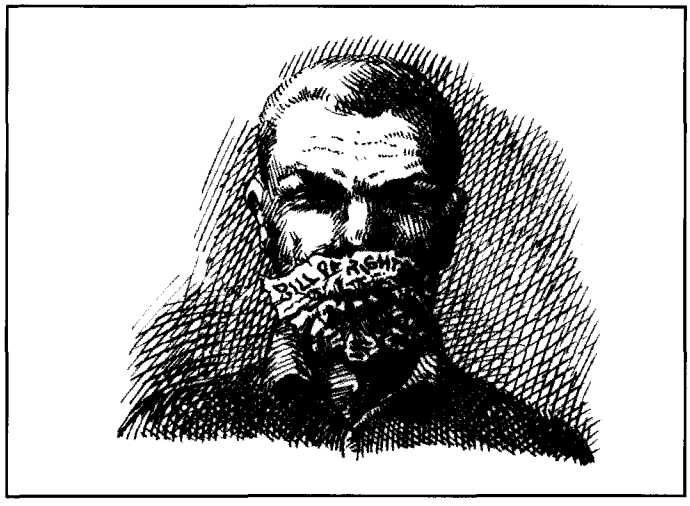

Anatol Woolf

Our Constitutional Covenant With Death

by Thomas Fleming

"The compact which exists between the North and the South," proclaimed William Lloyd Garrison in an abolitionist declaration of 1843, "is a covenant with death and an agreement with hell." When the Southern states concluded that they were no longer bound by what their enemies regarded as a compact with the devil, Garrison and his colleagues were flexible enough to set aside their hatred of both union and Constitution, and they compelled the hated South, by fire and sword, to return to the union.

Flexibility (or lack of scruple) has characterized most interpretations of the Constitution since the dissolution of the old American union; and in recent decades, judges, politicians, and ideologues have become carefree in demanding constitutional protections for women who want to kill their unborn children and for other women who want to protest against the women who want to kill their children.

Look for a "right to life" that supersedes the states' jurisdiction over homicide cases, and you will find it only in the same penumbra where the "right to privacy" had been lurking unnoticed for two centuries until it was unearthed by the brilliant constitutional mind of William O. Douglas. It must be in that same black aura where judges have discovered the rights of pornographers and nude dancers, the right of non-Christians to eliminate prayer from public schools, or the right of the federal government to overturn state laws imposing literacy requirements on voters, or prohibiting partial-birth abortions.

Here is one point on which conservatives and leftists seem to agree: that the Bill of Rights is merely a tool for bypassing the messy politics of a corrupt democracy. Anyone who loses a fight at the ballot box can reopen the war by going to the federal courts. This is the opposite of what the Framers of the Constitution and the Bill of Rights had in mind.

In the debates over ratification of the Constitution, many states called for a Bill of Rights to protect both the states and the people from future tyranny. Federalists were skeptical: Some of them, frankly, did not want restrictions on the growth of the central government; others were afraid that the introduction of rights into the Constitution would backfire. Theodore Sedgwick feared that a Bill of Rights would give the national government "a right of interference which would naturally tend to check, circumscribe and finally annihilate all state power."

Both sides were right. The federal government has taken power over the states, communities, and private life with about the same speed and brutality as the Moors took Spain. The Moors were invited by a disgruntled Gothic prince claiming his rights, and the invitation to federal expansion has generally been the pretext that somebody's rights were being violated. The transformation—like so many political revolutions—was accompanied, or even accomplished by, a sleight-of-tongue involving the word "rights." The Bill of Rights refers to several concrete and historic rights asserted by the recently liberated colonists: the rights of the people "peaceably to assemble, and to petition the Government for a redress of grievances"; "to keep and bear arms"; "to be secure . . . against unreasonable searches and seizures"; "to a speedy and public trial"; and to "trial by jury."

In addition to these enumerated rights, the first ten amendments also provide for certain freedoms—"the free exercise of religion," freedom of speech and of the press—and the Tenth Amendment, asserting the *powers* of the people and of the states, makes it clear that these threats are aimed specifically and exclusively at the general government. The point is made, however, in the first words of the First Amendment: "Congress shall make no law . . ." It never occurred to the framers of these amendments that judges or the president could make laws, much less that any federal branch could pervert their clear language into a pretext for invading the people's liberties.

The trick played on the American people was the device of confusing the lofty sentiments of the Declaration of Indepen-

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dence with the practical safeguards against centralization inserted into the first ten amendments. No one was foolish enough, in the early days of the republic to read the Declaration into the Constitution (as one sect of *philosophes* has claimed to do), but demagogues like Webster and Lincoln, in their constant harping on the themes of the Declaration, made it seem as if Mr. Jefferson's elegant sentences on equality and inalienable rights constituted an American creed. Calhoun saw the mischief but was powerless to stem the tide.

There is one strange aspect to the Lincolnian misreading of the Declaration promoted by Prof. Harry Jaffa and his disciples. As anti-Christians, President Lincoln and Professor Jaffa conveniently pass over the obviously Christian language of the Declaration. Mr. Jefferson was far from an orthodox Trinitarian, but even as an Anglican deist, he was careful to couch what seemed to be a Lockean argument in language that would appeal to the Christian majority who would be expected to fight the Revolution. Jefferson did not say: "Men were originally born equal in a state of nature from which they derive their rights." He apparently wrote in his original draft "that all men are [present tense] *created* equal and independent, that from that equal creation they derive rights inherent and inalienable. Among which are the preservation of life and liberty and the pursuit of happiness."

Once Jefferson and his colleagues had clarified the point by inserting "endowed by their Creator," the text took on an almost Thomistic ring. Our Creator has made man in such a way as to be possessed of certain essential properties which include the right to live, to be free, and to pursue the happiness which is the natural end of human existence.

Now, to a Jacobin, a Marxist, or a Straussian, "the pursuit of happiness" might serve as a cover for imposing a tyrannical reign of virtue. The students of Aristotle and St. Thomas know better, that commonwealths—as Thomas says more than once—exist to make a virtuous life possible; they cannot and must not attempt to compel virtue. (Thomas thought collecting interest on a loan was sinful, but he acknowledged that it may be in the interest of society not to punish usury.)

Mr. Jefferson was no Thomist, although he had certainly read his Aristotle. We know, however, what he thought about the role of national and state governments. His views on the power of states are declared ringingly in the Kentucky Resolutions, and although he opposed slavery, his loathing of the abolitionist arguments from higher powers and natural rights boiled to the surface in his famous remarks on the Missouri Compromise, when the abolitionist rhetoric awakened him as a "firebell in the night." Albert Jay Nock once asked himself how, on Jefferson's understanding, the state should act to "raise the general level of happiness." Nock answered:

> Mr. Jefferson's answer to this question can be put in a few words—that it should mind its own business . . . to protect the individual from the aggressions and trespasses of his neighbors and beyond this to leave him strictly alone.

The party of Lincoln turned Mr. Jefferson and the Bill of Rights on their heads, and few Americans are willing to consider the plain meaning of these texts. I do not exempt constitutional "scholars" or political "philosophers," and the ordinary, dim-witted sort of sluggard who chairs Senate committees or sits on the Supreme Court does not dream for a moment of going back 30 (much less 200) years to discover the truth.

To measure how far we have come, simply compare the *Dred Scott* decision with *Roe* v. *Wade*. In *Dred Scott*, the most basic argument was constitutional: African-Americans had not been considered citizens by the Framers of the Constitution nor did they enjoy, even in states dominated by abolitionist politics, the most rudimentary form of citizenship—the rights to vote, hold public office, sit on juries, intermarry with rights. If Congress or the states wanted to make them citizens, they were free to do so, but such an innovation was not the prerogative of the Supreme Court. In his decision, Chief Justice Roger Taney took note of the colonial and post-republican laws restricting the rights of African-Americans, commenting:

> It is not the province of the court to decide upon the justice or injustice . . . of these laws. The decision . . . belonged to the political or lawmaking power; to those who formed the sovereignty and framed the Constitution. The duty of the court is, to interpret the instrument they have framed, with the best lights we can obtain on the subject, and to administer it as we find it, according to its true intent and meaning when it was adopted.

This is the pure republican doctrine of the Framers, but only 116 years later in *Roe* v. *Wade*, the justices discovered something that no one had ever heard of before: a right to privacy that prevented state governments from regulating what everyone in his right mind knew to be homicide. These two opinions were drawn on absolutely opposite grounds, but in this age of lead, the so-called conservative defenders of constitutional federalism think they can score points by confusing judicial restraint with judicial legislation and by equating slavery with murder. Slavery is an evil, but it is not murder (much less legalized abortion), and it is embarrassing to come across this degrading cliché even in Justice Scalia's principled dissents.

Inexorably, the Bill of Rights, which was supposed to defend the concrete Anglo-American liberties for which our ancestors fought and died from the power of centralized government, has become a Declaration of the Rights of Man to justify the expansion of government at the expense of society.

How this works in the case of the First Amendment hardly needs comment. Fearing the power of government to silence political opposition, the framers of the First Amendment tried to safeguard freedom of speech, press, and assembly, and because religion in the 17th and 18th centuries was a focal point of every political struggle, they lumped the exercise of religion in with the provisions protecting political speech. In practice, however, government agents (a.k.a. judges and politicians) have converted, for example, freedom of religion to the prohibition of religion.

Aiding and abetting the government agents have been the business and cultural monopolists who have sought to cartelize all aspects of social and political expression. What does freedom of the press mean in a country where access to the vast television, radio, and newspaper markets is controlled by a few giant corporations that collude with federal regulators? Pat Buchanan has the right to say anything he likes in his own living room or even on a local talk show. If he secures the nomination of a party that not so long ago garnered 19 percent of the vote, he will still not be allowed into the presidential debates. As the *New York Times* explains, George Bush and Al Gore are providing the genuine differences of opinion on which true democra-

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cy rests. Does anyone believe that?

In protecting political speech from federal control, the framers of the First Amendment did not intend to diminish the authority of any state or corporate body. From the perspective of the First Amendment, the state of Wisconsin, the city of Madison, and the University of Wisconsin are free to impose speech codes. Only federal legislation against hate speech is forbidden.

The problem goes deeper than the possible passage of one more stupid federal program. Our entire system of higher education has been cartelized by federal "assistance" accompanied by federal regulation. There is one vast university imposing federal propaganda on American students, and if an institution (e.g., Bob Jones University) attempts to assert its own traditions, it is soon slapped into line. Political correctness, however, is only the glossy pelt that covers the actual beast. The real monster is that hybrid monopoly of government and business, the corporate state. In effect, by applying sanctions and invoking the First Amendment, the federal government can exclude dissident political speech from American colleges and universities. On most of our campuses, it is already next to impossible to criticize homosexual rights, affirmative action, feminism, Islam. This is the eternal sequence: cartelize, regulate, prohibit.

This cartelization of rights goes on apace. Once upon a time, there were dozens of competing Protestant sects, and even among Lutherans there were numerous denominations. As the various Lutheran seminaries and sects sold out their religious traditions, they lost members both to the more robust and authentic evangelical churches and to the more traditional Lutheran synods, Missouri and Wisconsin. In disgust, the leftist and anti-Christian "Lutherans," eager to champion the rights of homosexuals and infanticidal women, clubbed together to form the Evangelical Lutheran Church in America. In the English branch of Protestantism, the Episcopalians were just as busily destroying their church: desecrating the Book of Common Prayer, pretending to ordain priestesses, justifying infanticide, turning every Sabbath into AIDS Awareness Sunday. Like the liberal Lutherans, the liberal Anglicans lost members—to the Catholic and Orthodox churches and to a variety of "continuing churches." Now, in despair, these two infanticidal bodies are talking merger, and if such anti-churches have their way, there will be one American church of Antichrist, protected by the Constitution as the only legitimate "Christian" body. (If the American Catholic bishops have their way, they too will merge their dwindling dioceses into Antichrist, Inc.)

Don't laugh. The time is coming when Christian parents will face persecution if they refuse to allow their daughters to date Episcopalians. The grounds will be the same First Amendment which will be invoked, before too long, to compel Eastern Orthodox, Roman Catholics, and Orthodox Jews to accept women priests and rabbis and perform homosexual marriages; the same First Amendment that already takes the Ten Commandments out of the courthouse and the Cross from public squares.

This is a struggle we cannot win unless we begin to fight it, and the first step will be for conservative Christians and Jews to give up, once and for all, the anti-Christian language of rights. William Lloyd Garrison was wrong in the 1840's, but his language accurately describes the current state of constitutional law. The Bill of Rights, as expanded by the 14th Amendment, by the Civil Rights Act, and by the bloody-handed Supreme Court of the United States, is truly a covenant with death. c

DICTATIONS

"I got rights, I got rights, too."

Few people have heard Hank Williams, Jr.'s song about a man getting revenge on the man who killed his wife and got himself acquitted, but it raises the question of what rights are. For the killer and his lawyer, rights are something governments use to protect criminals; or, to be less tendentious, they are state-backed claims: the right to a free education, to collect welfare, to be somewhere you are not wanted. For Hank Junior, rights mean something like what the Framers meant: They are an inherent part of our human nature, the flip side of duties rather than a blank check drawn on the taxpayers' account. I have a duty to protect my wife and children, he would say, and therefore a right to kill anyone who gets away with murdering them.

The history of the word "rights" is long and confused. The Roman word *ius* (especially when used to translate the Greek *dike*) is the foundation of our legal theory of rights, and the classical terms mean primarily that which is right. Something is *ius* or *iustum* (just), when it is a well-attested and honorable custom. In this sense, it is "right" to honor one's parents and take care of one's kids. Some things are right by nature (or by divine commandment), others by the laws of nature, others simply by the rules of the society to which we belong, and although the fact of something being right may in some circumstances entail a corresponding claim either upon society or upon other people, such a claim is not part of the primary definition of right. Thomas Aquinas made this very clear, pointing out that the *ius* to take care of one's children could not entail a claim upon the parent's care, since dependent children were incapable (morally as well as legally) of making a claim.

From this classical and Christian perspective, therefore, there can be no women's rights, no children's rights, and—above all—no rights of unborn children. Husbands and parents have positive obligations to take care of wives and children, and they are prohibited by divine and natural law from abusing their prerogatives, but these obligations have nothing to do with any rights (in the modern sense).

"Well, what difference does it make, so long as we end up in the same place, that is, in the defense of the innocent?" It makes all the difference in the world. When Samuel Johnson said the Devil was the first Whig, he meant it in the sense that Satan was making a claim against the (in this case, divine) crown, demanding equality, standing up for his rights. The modern theory of rights is almost always subversive of the natural order of things, subversive of morality. If you want to talk about rights, quote *Roe* v. *Wade*—a classic defense of a woman's right "to choose." If you want to speak the language of Christian morality, purge the entire ideology of rights with an emetic as strong as Aristotle, Thomas, and the Bible can provide.

—Humpty Dumpty

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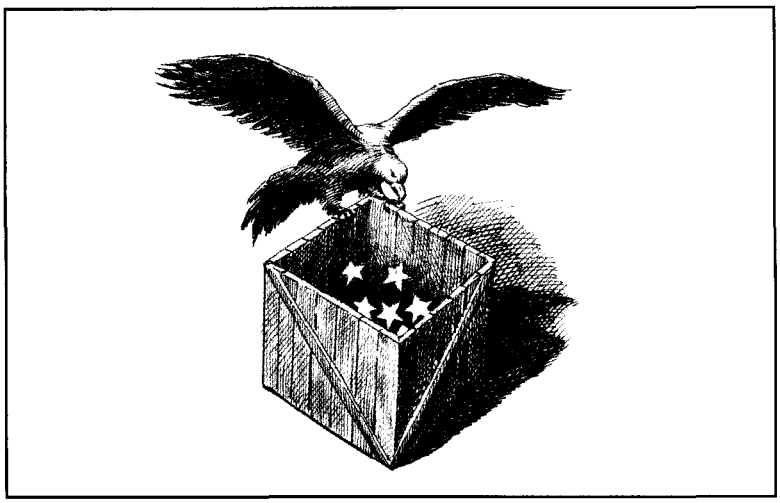
Restore the Constitution!

Free Association and Public Morality

by Joseph Sobran



Anatol Woolf

In recent years, American politics has been preoccupied with moral questions, or what are now called "social issues": sexual immorality, sodomy, abortion, pornography, and recreational drugs. Some conservatives want the federal government to play a role in opposing these evils. Many libertarians, on the other hand, want the government, state and federal alike, to treat them as matters of indifference. Most liberals seem to want the government to promote them because they believe that these activities are not evils but "rights."

Liberals have a habit of reading their agenda into the Constitution. As Daniel Lazare observed in the October 1999 issue of *Harper's*, Americans tend to regard the Constitution as a "sacred text"—a secular Scripture—that contains the answer to every problem. Since liberals favor gun control, for example, they assume that the Constitution must favor it as well.

What about the Second Amendment? Most liberals argue that the Second Amendment only recognizes the right of states to keep militias, not the right of individuals to own firearms. But Lazare argues that recent scholarship is conclusive: "the right of the people to keep and bear arms" was integral to the Founding Fathers' philosophy of republican government. In the *Federalist*, for example, Alexander Hamilton and James Madison envision various situations when the people might have to mount armed resistance to tyrannical government, state or federal.

Lazare thinks this is a pity; he considers the Framers' philosophy archaic. But he is the rare liberal who admits that the Constitution is not, after all, infinitely malleable, and that it is a stumbling block to his own desires. His solution is to abandon it.

The Framers' philosophy is anything but archaic. It can be argued with, but it deserves respect. In particular, the Framers agreed on one basic principle of liberty: the division and dispersion of power. They defined tyranny as the concentration of power in a few hands, or in a monarch or a single body of men.

So they delegated a few specific powers to the federal government, most of which are listed in Article I, Section 8. All other powers remained with the states and the people. Under the Constitution, it would be theoretically possible for New York to adopt socialism, for California to adopt *laissez-faire* capitalism, and for Iowa to be a theocracy. The Constitution does very little to prevent tyranny at the state and local level.

In their own sphere, the states were sovereign. When three states ratified the Constitution on the condition that they retained the right to secede, nobody objected. So the other ten states, by accepting those ratification acts as valid, recognized the right of secession. Like gun ownership, secession was a form of self-defense.

As Madison states in *Federalist* 45, the powers delegated to the federal government are "few and defined." They include the powers to tax, to coin money, to punish counterfeiters, to grant copyrights and patents, to raise an army and a navy, and very few others. The powers remaining with the states, as Madison puts it, are "numerous and indefinite."

When the Philadelphia Convention assembled in 1787, Hamilton and Madison both favored a strong central government with the power to overrule state governments and veto state laws. Madison told George Washington that such a provision was "absolutely necessary" to any new constitution. This would have reduced the states to the level of very large counties: mere subdivisions of a centralized monolith, totally subordinate to a sovereign central government which would not have been truly "federal," but, in the language of the time, "consolidated."

The proposal was quickly shot down; the states refused to surrender their sovereignty. When Hamilton and Madison wrote the *Federalist* to promote ratification, they had to accept this as a fact of life, and they dutifully assured their New York readers

Joseph Sobran is the editor of Sobran's, *a monthly newsletter.*

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that the Constitution would prevent consolidation.

For most of the founding generation, "consolidation" was a devil term. The ratification debate swirled around not only the powers expressly delegated to the federal government by the Constitution, but also the fear that even those few powers would give the government such a toehold that it could usurp other powers and eventually become tyrannical. If they could see us now, the Antifederalists would feel vindicated in their dark premonitions of total centralization.

Jefferson warned that the federal government must never be allowed to become the authoritative interpreter of the Constitution because it would construe its own powers broadly and the rights and powers of the people and the states narrowly, eventually achieving the consolidation most Americans dreaded (which is *exactly* what happened). The inaugural addresses of the presidents before Lincoln are full of assurances that Congress would not be allowed to usurp powers not granted by the Constitution; the presidential veto would, in effect, enforce the Tenth Amendment. All this has been largely forgotten by today's conservatives, who are woefully ignorant of our constitutional heritage.

The great crisis of the Constitution arrived with the Civil War. Abraham Lincoln quickly revealed that he took the Constitution lightly; within a few weeks of taking office, he arrested Maryland legislators who recognized the right of secession, ensuring that the remaining lawmakers would vote his way. He also sent federal troops to Maryland to guarantee his desired result in the next election. By these acts, we may judge Lincoln's real regard for "government of the people, by the people, and for the people." (The Gettysburg Address carefully avoids reference to "the consent of the governed.")

As everyone knows, Lincoln suspended the privilege of the writ of *habeas corpus*, but few are aware that, when Chief Justice Roger Taney ruled that this was a usurpation of a power given to Congress, Lincoln not only defied the ruling but issued an order for Taney's arrest. For some reason, the order was never served; maybe Lincoln realized that arresting the chief justice arbitrarily would appear a mighty odd way of "preserving the Constitution."

Garry Wills has written that the Gettysburg Address was a "swindle"; Lincoln falsified the meaning of both the war and the Constitution. Wills calls that swindle "benign," much as other liberals have praised Franklin Roosevelt for mendaciously drawing the country into World War II; Lincoln and Roosevelt were both avid consolidators of power as well as able swindlers.

The long-term result of the Civil War was to make the federal government an irresistible force. The states were crushed—not only the Southern states, but, finally, the power of all the states to withstand federal tyranny.

For some time, constitutional forms were observed. The three postwar amendments were adopted to keep up appearances, although the Southern states were forced to ratify the 14th Amendment at the point of a bayonet. The principle that the federal government's powers could be increased *only* by amendment was still honored, after a fashion.

Over the next half century, the process of consolidation continued. For a while it was achieved by further amendments, which authorized a federal income tax, transformed the U.S. Senate, and imposed Prohibition. These amendments vastly increased federal power over the states and individual citizens.

Of these, the 18th Amendment is the most interesting. It authorized Prohibition—the first attempt by the federal government to regulate personal morality. It was a failure, and it was repealed; the power to ban the sale of liquor reverted to the states and localities.

Meanwhile, Congress and the federal judiciary were construing the Commerce Clause with unprecedented breadth. When Franklin Roosevelt's appointees finally prevailed in the Supreme Court, they found that the Tenth Amendment was a mere "truism," of no effect. According to FDR's Court, an Ohio farmer who raised grain on his own land to feed his livestock was subject to congressional legislation because his practice, if widely adopted, might have a "substantial effect on interstate commerce."

By this absurdly loose standard, nearly anything can be adjudged "interstate commerce" and regulated by the federal government. If the Commerce Clause imparted such comprehensive power to the central government, slavery and liquor could have been outlawed by simple acts of Congress, without the bother of amendments! Roosevelt's Court dishonestly used a few words in the Constitution to destroy the careful balance of powers the Framers had established. The Tenth Amendment and the philosophy it encapsulated were dead. It was no longer necessary to amend the Constitution to increase federal power; the beast was out of the cage, and it devoured at will.

It still devours. Today, Congress seldom bothers to offer constitutional justifications for its acts; it merely does as it pleases, usurping countless powers never delegated to it. We no longer even speak the language of the Framers; most Americans have no idea what the words "sovereign," "delegate," "usurpation," and "consolidation" mean. Our ancestors have become strangers to us.

At the same time, the federal judiciary has ceased to be a check on Congress, preferring to strip the states of their reserved powers under the fraudulent principle of "incorporation." This is usually done by invoking a few phrases from the First, Fifth, and Fourteenth Amendments, which are construed with sweeping latitude: "establishment of religion," "freedom of speech," "privileges and immunities," "due process of law," "equal protection of the laws."

So the states keep discovering that their traditionally reserved powers are deemed unconstitutional, while congressional usurpations of power pass muster with the courts. Instead of *preventing* consolidation, as Hamilton promised, the Supreme Court has become an aggressive *agent* of consolidation. The original plan has been inverted and trivialized. We are told that the Constitution means precisely the opposite of what everyone used to understand it to mean.

Constitutional jurisprudence has become intellectually shameful. It might be called the jurisprudence of free association. Instead of viewing the Constitution as a whole, the justices typically write essays on what the phrase "freedom of speech" or "equal protection" or "cruel and unusual punishment" reminds them of—often something nobody ever thought of before. Consider the surprising implications that the liberal federal courts have found in the First Amendment: Pornography turns out to be protected from state and local legislation; public-school prayer is forbidden; and communist teachers are sheltered. In New York City, the First Amendment is invoked to preserve public funding of an odious art exhibit.

In 1973, the Supreme Court produced its most ravenous progeny in *Roe* v. *Wade*, which cited not the text of the Consti-

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tution but its alleged "penumbras" and "emanations" to rule that state laws limiting abortion were unconstitutional. (The Court has never found "penumbras" or "emanations" in, say, the Second Amendment, or any other clause that might limit federal power. It plays the Constitution like an accordion, expanding its favorite clauses and squeezing out the inconvenient parts.) Few scholars deny that the reasoning of Justice Harry Blackmun's majority opinion, with its lofty mumbling about the Ninth and Fourteenth Amendments, was shoddy; it was simply a rambling justification for imputing a current item of the liberal agenda to the Constitution. But it achieved the desired result.

The ruling outraged millions, yet nobody did anything about it. No calls for the impeachment of the justices for usurping the powers of the states issued from the Congress, the media, the people, or the churches. The Court acted in the secure knowledge that the states were not only helpless but supinely passive against federal usurpation of their authority.

If the states had retained the right of secession, the Court would never have dared to issue such grossly arbitrary rulings for fear of provoking a dissolution of the Union. But thanks to the Civil War and the centralization it unleashed, no state even contemplated withdrawing from the federation. Consolidation was now complete.

Given a Court determined to impose a liberal agenda by constant usurpation, how are the states supposed to defend their reserved powers? The question is never asked; the problem is hardly recognized.

Except for the deceased 18th Amendment, the federal government has never possessed any constitutional power to enforce morality as such. But, largely through the courts, it has used the Constitution to advance its pet views. The first duty of laws and courts is to rule impartially; we are entitled to be suspicious of the integrity of judges who keep finding their own trendy agendas mandated by so old a document.

Yet this has become the norm. When Justices Blackmun and William Brennan died, both were eulogized for the very thing that should have discredited them: their eagerness to use the Constitution as a pretext for their special interests and pet causes. They were not impartial; they hardly pretended to be. Justice Blackmun saw himself as a legal oracle; near the end of his career, he grandly announced his opposition to capital punishment, despite the plain text of the Constitution. One may oppose capital punishment on many grounds, as I do; but one cannot honestly affirm that the Constitution forbids it. But Blackmun never let that stop him: He even boasted that *Roe* v. *Wade* was "the most liberal ruling in many years"—as if that were a justification!

Justice Brennan, more cunning than Blackmun, praised the Constitution precisely for its malleability. He called it "a sparkling oration on the dignity of man," dismissing concerns of original or inherent or even logical meaning. This was a spectacular case of judicial free association. The Constitution is not an oration; it says nothing about "the dignity of man," or any such high-flown matter. It merely lists the powers of the federal government and distributes them among the three branches. Brennan actually acknowledged that he did not consider the Ninth and Tenth Amendments part of the Bill of Rights. He did, however, have a special fondness for the 14th.

Today, the federal government is very much in the morality business. It has taken a wrecking ball to America's traditional Christian heritage, but is trying to replace that with its own peculiar morality on smoking, gun ownership, sodomy, and abortion. Bill Clinton may seem an unlikely spiritual leader, but he embraces the role eagerly, citing the same Bible that taught him that some forms of extramarital sex are not—or perhaps "do not rise to the level of"—adultery.

America could never have been de-Christianized without the centralization of power. If the federal courts and Congress had been confined to their "few and defined" constitutional powers, Christian culture would have survived at the grassroots level. But federal usurpation has proved a far worse evil than the most pessimistic Antifederalists could have predicted. The federal government has become systematically anti-Christian while claiming to espouse religious neutrality.

C.S. Lewis observed that the modern world makes religion a purely private matter, while shrinking the area of privacy. He was writing in England, but he perfectly summed up our own experience. The "separation of church and state" turns out to mean that, as the state expands, the church must recede.

The federal government has neither the power nor the duty to enforce traditional morality. But it does have a duty to respect it, and to leave it alone. Instead, it has claimed the authority to contravene and undermine it. President Clinton regards approval of sodomy and abortion as a civic duty. This is the liberal version of George Will's "statecraft as soulcraft."

Throughout history, even bloody tyrants have rarely aspired to change the traditional morality of their subjects, however immoral their personal conduct. The totalitarian ambition of changing the moral fabric of an entire nation had to await the 20th century. The modern state seeks to produce a certain type of deracinated man, fit for, and submissive to, arbitrary rule.

Conservatives should adopt a simple agenda of their own: restoring the Constitution. This is a large task, but it would save us endless labor if we could force the federal government to produce its credentials for every law it passes. Yet, faced with new federal laws and programs, few conservatives dare to pose the question: Where do you get the power to do that? Instead, they have learned to live, however grudgingly, with the liberal interpretation, thereby allowing their enemies to rewrite the ground rules of politics at whim and ensuring their own defeat. Conservatives have failed to insist on an alternative interpretation, so most Americans assume that the liberal version is the only one available.

The principle of American federalism is simple: Whatever the federal government is not positively *authorized* to do, it is *forbidden* to do. This is absolutely clear from the text of the Constitution, from the ratification debates, from the early commentaries of jurists and presidents, and even, in a way, from the pettifoggery to which Lincoln and FDR were driven in their evasions of constitutional limits. We need not worry about the relative weight and merits of social and economic issues. Confine the federal government to its allotted powers, and such things will take care of themselves.

Can the Constitution be restored to its full rigor? The status quo has proved acceptable to Democrats and Republicans, to liberals and conservatives—notably neoconservatives—all of whom have found their own uses for limitless, centralized power. Both sides are sworn to preserve unconstitutional entitlement programs (beginning with Social Security and Medicare), and countless voters would put their government checks ahead of the Constitution. For now, alas, the U.S. Constitution poses no serious threat to our form of government. c

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Speaking the Naked Truth

Stripping the Bill of Rights

by Philip Jenkins

Anatol Wosjf

Connoisseurs of the odd byways of law rarely find rich materials in the U.S. Supreme Court, where the deliberations usually proceed with dignity and common sense. For truly asinine judicial misbehavior, we normally have to look at state courts. Yet this past March, the Supreme Court had before it a case that delighted the late-night comedians and launched a few thousand bad puns. Specifically, in the case of *City of Erie* v. *Pap's A.M.*, This Honorable Court determined that directing the exotic dancers of one Pennsylvania community to wear g-strings and pasties did not violate the First Amendment of the Constitution.

At first glance, it is easy to trivialize a case that seems to belong to the lighter side of American judicial history: There is something gloriously inappropriate about such staid figures as David Souter and Sandra Day O'Connor chatting knowingly about the art of ecdysiasm. But the case does raise serious questions about the nature of First Amendment law, particularly how far that clause can or should be adapted to changing social circumstances. We currently face severe challenges to our freedom of speech rights, especially in the realm of electronic communications. Those of us who have never set foot inside "adult-entertainment" establishments may yet regret the *Erie* decision and others of its ilk.

What happened in the case was straightforward, although the logic underlying it was anything but. An establishment called Kandyland specialized in nude dancing, a fact that reportedly attracted a bad crowd to the area, creating what was allegedly a "conducive atmosphere to violence, sexual harassment, public intoxication, prostitution, the spread of sexually transmitted diseases and other deleterious effects." These developments provoked local authorities to impose minimum-clothing requirements. The ordinances were alternately dismissed and upheld by a series of higher courts, until a divided U.S. Supreme Court eventually ruled in favor of the city. In essence, the Court decided that nude dancing was indeed expressive conduct under the Constitution, but it was only "within the outer ambit" of speech as determined by the First Amendment; hence, local authorities could take reasonable measures to restrict it, with the goal of suppressing "secondary effects," such as crime and other abuses; yet the specific restrictions would have little or no effect on crime and other abuses, and would not promote the public good; but we are going to uphold the restrictions anyway.

So the Court is banning what it regards as a constitutionally protected form of expression, even though it believes that the ban will not do any good. Are we clear on that? The decision itself might be correct, but the logic is deeply flawed.

Why this decision is troubling may not be obvious to the many non-lawyers who read the First Amendment literally, finding references to "speech" but not to other forms of communication, overt or implied—and certainly not to nude dancing. According to this view, original intent means that we should protect speech, whether spoken or written, but generations of judicial activism have led to this concept being stretched to include nude dancing. That is misleading. The amendment itself uses the words "freedom of speech and of the press," but it is a very small leap to read those words as "speech, and the obvious means by which we express our meaning as if in speech." Writing and printing are simply examples of analogies to speech. Some forms of communication are less "obvious means" than others, and the courts have been slower to recognize them, but extensions of speech they certainly are. Imagine that, during the murderous NATO airstrikes on Yugoslavia last year, I had stood silently outside the White House, carrying a

Philip Jenkins is Distinguished Professor of History and Religious Studies at Pennsylvania State University.

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blood-soaked Yugoslav flag. Would I have been engaging in political "speech," even though I never uttered a word nor put pen to paper? Undoubtedly I would have been, and the courts have long recognized that. All they have questioned in recent years is the extent to which such speech needs to obey customary rules of etiquette, and whether it incites illegal behavior. Just what is expression, and what is conduct? In a classic decision of the 1960's, the Supreme Court ruled that a man could wear a T-shirt bearing a message suggesting, in four-letter words, the proper fate of the military draft. Political speech is broadly protected, even if it is not verbal.

Throughout the 20th century, the courts have also progressively extended the ambit of protection to other forms of cultural expression—to novels, poems, and, yes, exotic dancing—and in the process, the courts have attracted a good deal of public derision. Yet the underlying principles are sound. Just as the First Amendment does not explicitly mention writing or publishing, it also does not say that free speech must be "speech with a serious political purpose"; nor, thankfully, does it attempt to define "political." If the courts have erred, the mistake has been less in extending protected speech to different types of communication than in a reluctance to recognize new forms of media. In the early days of cinema, the courts decided that movies were not an expression of culture but a vulgar fairground toy which did not deserve even the paltry protection then accorded to serious literature. Who could take films seriously as works of art? Not until the 1950's did the courts recognize movies as serious speech, deserving protection from the whims of legislatures, police, and private vigilantes.

The example of movies should stand as a warning, for it is upon new forms of communication that cases like that of Erie's nude dancers might have a lasting significance. The courts have been slow to protect speech in the newer media, and are generally willing to accept First Amendment restrictions ostensibly aimed at preventing social harm, even though, as in the Erie case, they acknowledge more or less openly that these restrictions could never work.

To illustrate this, let us take one of the hottest issues in the electronic world over the last few years: encryption. Since the mid-1990's, millions of people have begun using e-mail, which has become an attractive and convenient means of communication. Yet e-mail remains a disturbingly public medium into which outsiders are able to snoop. Employers have the right to access e-mail written on their systems (though not letters written on paper during work hours), and the courts have usually concluded that laws intended to constrain wiretapping do not apply to the Internet. This glass-house atmosphere has inevitably encouraged people to turn to encryption technologies. The virtues of encryption are obvious, as are the countless lawful circumstances in which people might wish to avoid prying eyes. A compelling case can also be made that the source code involved in encryption represents a form of constitutionally protected speech, since it conveys a message in much the same way that musical notation does. The more people can use encryption, the greater confidence they have in the Internet, and the better the opportunities for commercial development. Privacy and free speech enhance the public good.

Yet the spread of effective encryption has been delayed by the protests of law enforcement agencies, particularly the FBI, who cite the dangers from terrorism, espionage, drug-dealing, and child pornography. Consequently, the United States has

The Angel's Version

by Brendan Galvin

When he gets bored doing the flocks,
all that balling up to roll as one
and confuse the falcon, that working
in concert, streaming off to a wisp,
swerving as if to avoid some obstacle
made of air, the shoaling and
thinning out until each seems a toy
jerked along on a string over the grass,
he'll do a solitary or two. The day
he did the thistle, for instance,
hanging it all over with a flower
that resembled what would come
to be called a shaving brush.
Who else can make such
associations, or bother to calm
a lake in the north that was troubling
itself over nothing much, as water
sometimes does. What roaring
in the flesh forge that day!
No squawks and squalls, so
we knew this was a big one
drumming the boards, groaning
one long *mooooo!* after another
as he tinkered, making changes
with all the time in the world.
When finally he led it out,
it looked like he'd mixed up
a camel shape with the precocious
legs of a quarter horse, even
added the horse's head,
only he'd drawn it down more,
upper lip over the lower, given
more of a moseying look
to the face, and twisted a dewlap
under the chin. *Maybe I'll add*
some horns later, he said,
a new kind I'm thinking about.
Drunk again, Michael whispered,
but Uriel kept pointing at
that half-ton and shouting
mooon, moooooop, moooooose!
as the lifesmith led it into
the turbid water, which suddenly
fell placid and more reflective.

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fought a long war to prevent the spread of various encryption programs, to the extent that posting them on the Internet has brought charges of exporting military technology. In 1993, the FBI and other federal agencies demanded that so-called "clipper chips" be installed in all computers, fax machines, and other forms of electronic communication, giving federal agencies the capability to examine encrypted communications. In effect, this would have required all users of encryption to hand over their keys to the government, and the proposal was withdrawn after widespread protests. Nevertheless, similar efforts ensued over the next few years, notably in attempts to dumb down telecommunications technology to allow wiretapping, or to create "surveillance-friendly" e-mail systems (a wonderful phrase: Who can criticize friendship?). Since police agencies rarely possess the most advanced electronic technology, such proposals potentially open private communications to surveillance by other unauthorized groups and individuals. Currently, the FBI is clamoring for a proposed Cyberspace Electronic Security Act to give police access to codes that would unscramble encrypted communications, with few or no restraints from judges. At a minimum, these proposals appear to trample not just the First Amendment but also the Fourth, Fifth, Ninth, and Fourteenth. Put more succinctly: American police agencies have decided that the Constitution does not apply to electronic communications. To quote the stunningly frank declaration of Scott McNealy, CEO of Sun Microsystems, "You already have zero privacy—get over it."

If you want to see where such policies are leading, take a look across the Atlantic, where Great Britain has just constructed a new surveillance system called GTAC, the Government Technical Assistance Centre. In theory, GTAC is intended to detect and defeat international criminal activity, such as terrorism, narcotics, and child pornography. Under the Regulation of Investigative Powers Act currently under discussion, all Internet service providers would be required to connect their servers to the monitoring center. The new network would have the power to access all e-mail and Internet communications sent in Britain. Police would need government permission to search for e-mails and Internet traffic, but they could apply for general warrants that would enable them to intercept all communications to and from a particular organization. These connections "will allow anyone to watch the websites you are browsing in real time," and authorities could monitor one in 500 telephone connections to the Internet.

We can only imagine the furious reaction if authorities sought the same powers to open all letters or read all diaries. The argument seems to be that the newer technologies are not serious means of communication, like good old-fashioned paper, and are thus "within the outer ambit" of protected speech. Worse, they lend themselves to abuse by all sorts of bad people; hence, it is only proper to regulate Internet communication. That such restraints have no chance of succeeding is indicated by the astonishing upsurge of illegal obscene materials on the Web, to the extent that knowledgeable observers have spoken of a *de facto* legalization of child pornography over the past five years. The restrictions are not working—so let's redouble them.

As a rhetorical tactic, the argument made by the FBI and other federal agencies is brilliant, since it suggests that those who oppose restrictions on encryption must, innocently or otherwise, favor the interests of spies, terrorists, and child-porn merchants. The problem with this line of reasoning becomes apparent if we apply the same principles to communications systems that the judges recall from their distant youth, including the printing press and the telephone. Of course, both devices lend themselves to extraordinary evils, but these have to be tolerated to some extent in order to permit the exercise of free communication: The printing press allowed people to read Shakespeare and the King James Bible, as well as *Mein Kampf*. Oliver Cromwell argued that trying to ban religious ideas because a few people fell into heresy was as foolish as prohibiting wine because some individuals become drunkards. The argument embarrassed his many Victorian admirers, who did, of course, believe that alcohol should be restricted for that very reason. But as Cromwell knew, freedom carries a price.

Courts and legislatures really do not understand the Internet and other forms of electronic communication. To grasp this, witness the debates in the mid-90's over the Communications Decency Act, which, in the name of defending public morality, would have reduced all Internet content to that fit for viewing by a ten-year-old girl from a particularly sheltered family. Or take the recent case in which a court decided that an anti-Mormon site violated church copyright by displaying certain Latter Day Saints writings. This decision was not terribly controversial in itself, but the judge then proceeded to prohibit any other site from linking to the offending page: Without the freedom to link, the Internet dies.

For 250 years after the printing press entered common use in Europe, people fought and died to establish the principle of the free use, distribution, and exchange of information, and ultimately, such rights were wrung from existing elites. Given the accelerating pace of technological change, the struggle for free communication on the Internet is taking place in a period of years, rather than centuries; the underlying principles, however, are identical. These are by far the most pressing issues facing courts in the United States and other advanced countries today.

If the courts are prepared to pay attention to the minutiae of undergarments, they should be at least as enthusiastic about defending rights far more central to the freedom to speak and communicate ideas. The Founding Fathers would never have dreamed that freedom of speech might one day be taken to include nude dancing, although I think many of them had enough sense of humor to be wryly amused by the development. Their humor, however, would not have extended to the failure of courts to defend the right of free communication simply because it happened to be in a new medium: Was ever a generation of American leaders more sympathetic to technological change than that of the 1780's? This was the generation that had evaded British censorship by ever-more ingenious methods of pamphleteering and committees of correspondence. The view that free-speech protections should only apply to the forms of communication that prevailed in 1790 is analogous to the notion of anti-gun lunatics such as Rosie O'Donnell who believe that the Second Amendment gives citizens only the right to bear flintlocks to defend against sudden assaults by Redcoats or Indians. Circumstances change; technologies change; principles do not.

I can only imagine what the Founding Fathers would have made of the argument that communications must be subject to constant police surveillance, lest people use them for seditious and dangerous purposes. I can almost hear their inevitable reply: Damn it, sir, that is how we made this country in the first place. c

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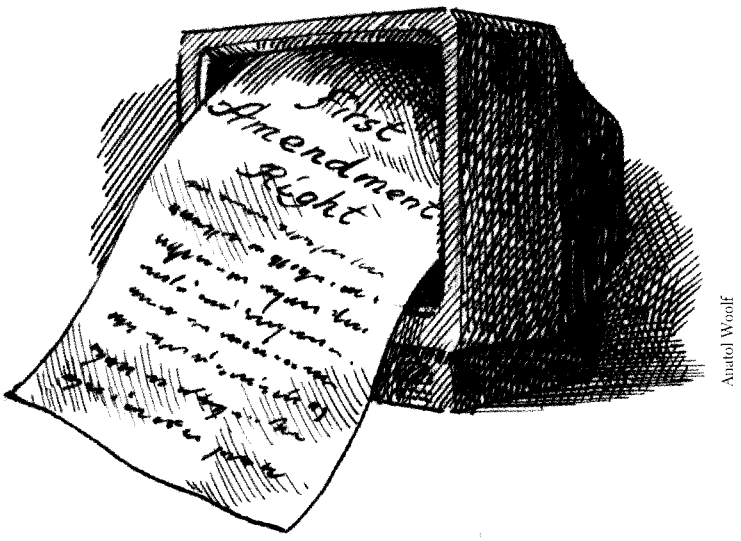
Commercial Speech and the First Amendment

Cigarette Companies and the Playboy Channel Have Rights, Too—Or Do They?

by Stephen B. Presser



Anatol Woolf

For sheer incoherence, incomprehensibility, and outrageousness, nothing beats the United States Supreme Court's First Amendment jurisprudence. The First Amendment is a fairly simple piece of constitutional law: It forbids the federal legislature from restricting freedom of speech, freedom of the press, freedom of religion, or from establishing a national religious sect. Unfortunately, in the 20th century, the Supreme Court has been influenced by the "anything goes" jurisprudence of Legal Realism, embarking on an extraordinary program of transforming the Constitution. In the process, the First Amendment's meaning has become hopelessly obscured.

The key mistake made by the Court was its decision that the freedoms guaranteed by the First Amendment were so fundamental that the prohibitions should be extended, without express constitutional authority, to the acts of state and local governments. When the 14th Amendment provided that no state should deprive any citizen of life, liberty, or property without due process, the Court claimed that somehow this meant that there were certain freedoms—such as freedom of speech, press, and religion—that could never be deprived through due process. These freedoms were essential, in the Court's words, to "ordered liberty." Yet no one knows which freedoms are essential to ordered liberty, and what parts of the Bill of Rights now circumscribe state and local government.

Any serious student of constitutional history, however, understands that the Bill of Rights, when adopted in 1791, was designed to shield state and local governments from intrusion by the federal government. Thus, to read the 14th Amendment as nullifying the original purpose of the Bill of Rights—indeed, to read the 14th Amendment as necessitating the use of the Bill of Rights as a club to beat back state and local governments—is a constitutional travesty. Unfortunately, the last time a high public official (President Reagan's Attorney General Edwin Meese, a former law professor) made this argument in public, he was so excoriated by the legal establishment that practically no one in the bench, bar, or academy has dared utter it again.

Because there are no firm guides for deciding how to interpret a misconstrued First Amendment, the Court has fashioned elaborate rules, balancing tests, and layered tiers of scrutiny, perhaps in an unconscious effort to disguise the lack of constitutional basis for what the Court has done. Take "commercial speech." Since commercial speech (advertisements, in particular) is a subset of "speech," you might think that any First Amendment prohibitions on regulation ought to extend to it as well. Curiously, this commonsense understanding is now the cutting-edge of commercial-speech scholarship: Professors such as my colleague Martin Redish claim that commercial speech is no different from the exercise of any other First Amendment freedom and, therefore, ought to be entitled to the same protection. Redish makes this case specifically on behalf of tobacco companies, which he has represented in their struggles to ward off state and federal restrictions on advertising. I have consulted with at least one tobacco company myself; the legal decks are as stacked against "Big Tobacco" (in the phrase employed by Big Media) as they have ever been against any interest group. The vicious hostility to the tobacco companies exhibited by politicians, media, and intelligentsia is almost

Stephen B. Presser is Raoul Berger Professor of Legal History at Northwestern University School of Law, Professor of Business Law at Northwestern's Kellogg Graduate School of Management, and Legal Affairs Editor for Chronicles.

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enough to make me take up smoking in protest. Yet the position that commercial speech is no different from other forms of speech remains very much a minority view—although it may be on the ascendant.

Until very recently, the Supreme Court took the position that commercial speech was not speech at all. The theory seemed to be that "commercial speakers" were just interested in making money, not in exploring the political and moral concepts, or perhaps literary and philosophical ideas, that the drafters of the First Amendment were interested in promoting. Commercial speech could fend for itself. If the commercial speaker had an economic stake in the matter, he would manage to get his message across. Moreover, if the government could prohibit the sale or manufacture of particular products (and nothing in the Bill of Rights or the Constitution forbids such prohibitions), then surely speech that promoted the sale of products could also be prohibited.

There are reasons to believe that the First Amendment actually *was* intended only to protect political speech, and that the evil against which it protected was the suppression of criticism of unjust governments. Moreover, at the time of the American Founding, and into the early 19th century, there was a widespread belief, particularly among the governing classes, that commerce itself was corrupting. This attitude has not entirely vanished in England, where, in certain circles, one still has to apologize for dabbling in the market. In the late 18th century, many Americans believed that trade led to luxury, and that luxury led to the corruption of republican virtue. The pursuit of wealth made one selfish, unconcerned about one's fellow citizens, and thus unfit for the exercise of political altruism.

Thomas Jefferson worried about the corrupting influence of commerce in general and a central bank in particular, and sought to undermine Alexander Hamilton's financial schemes. Having failed, Jefferson left George Washington's Cabinet and returned to his glorious Monticello. From there, he propounded his theory that America ought to be populated by simple yeoman farmers earning subsistence from the land and avoiding the temptations of trade.

Despite the general agreement that commerce was potentially corrupting, there were men like Hamilton who believed that this country, unless it became a great commercial republic, would never have the resources to defend itself against rapacious European powers. In the struggle with Jefferson, Hamilton won. We got a national bank; we funded the national debt; and the story of the 19th century was one of virtually unrestrained commercial expansion. And, in fairness to Hamilton and my colleague Redish, even the early history of freedom of the press was not free from the taint of commercial speech. In a 1996 case declaring that states could no longer ban accurate advertising regarding the prices of alcoholic beverages, the Supreme Court observed:

> Advertising has been a part of our culture throughout our history . . . Early newspapers displayed advertisements for goods and services on their front pages, and town criers called out prices in public squares . . . Indeed, commercial messages played such a central role in public life prior to the Founding that Benjamin Franklin authored his early defense of a free press in support of his decision to print, of all things, an advertisement for voyages to Barbados.

Even so, it was not until 1975 that the Supreme Court ruled that commercial speech was entitled to First Amendment protection. In a seven-to-two decision (Blackmun for the majority, Rehnquist and Powell dissenting), the Court declared that an advertisement in a Virginia newspaper offering abortion services in New York was speech protected by the Constitution. In recent years, the right to have an abortion seems to have trumped all other constitutional rights, including the free-speech rights of anti-abortion protesters. Thus, it is perhaps not surprising that the first case declaring constitutional protection for commercial speech concerned abortion.

Since that ruling, it has been anybody's guess as to which types of commercial speech are protected. The trend is to protect more and more commercial speech, including advertisements for casino gambling, prescription drugs, liquor, lawyers' services, and electricity. However, the Court has not been able to bring itself to declare that there is no difference between commercial speech and political speech.

For "favored kinds" of First Amendment speech, some regulation is permitted, including reasonable time, place, and manner restrictions—to this day, you cannot drive your sound truck through a residential district at 2:00 A.M., blaring your pro-abortion views. The presumption, though, is against any regulation, especially those which impose a partial or complete ban. Government must demonstrate a "compelling interest" (whatever that is—no one is quite sure), and the means of regulation chosen must be the least restrictive available.

Thus, in a June 2000 decision, the Supreme Court declared that *Playboy*'s adult cable channels, the Playboy Channel and Spice, although perhaps "indecent," were not obscene. The Court held that the adult channels could not be banned from daytime broadcast as long as individual subscribers had the option of requesting that their cable company block the channels from their homes. The Court conceded that the federal government had a "compelling interest" in protecting children from indecency, but because there was a less restrictive alternative available, the government's daytime ban could not stand. Since there is usually a less-restrictive alternative, virtually all attempts to regulate or ban non-commercial speech fail. (Those who wonder why Spice and the Playboy Channel were not simply declared obscene, and thus not protected under the First Amendment, have an ally in Justice Scalia. And those who wonder why the Playboy Channel and Spice are not considered commercial speech, since they are sold for a profit, do not understand that, in the Court's view, the fact that you earn money from speech does not make it "commercial." "Commercial speech" is a term reserved for advertising. No justice seems troubled by this limitation.)

So what tests are applied to the second-class category of commercial speech? They differ depending on whether the regulation in question is a complete ban or a supposedly benign restriction designed to prevent deception. In the Court's view, "when a State regulates commercial messages to protect consumers from misleading, deceptive, or aggressive sales practices, or requires the disclosure of beneficial consumer information, the regulation's purpose is consistent with the reasons for according constitutional protection to commercial speech and therefore justifies less than strict review." But "where a State entirely prohibits the dissemination of truthful, nonmisleading commercial messages for reasons unrelated to the preservation of a fair bargaining process, there is far less reason to depart from the rigorous review that the First Amendment

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generally demands." Whenever there is an attempt to ban commercial speech, the Court asks a series of questions, including, to quote from the official syllabus of the 1999 commercial-speech case involving advertising of casino gambling: "(1) whether the speech at issue concerns lawful activity and is not misleading and (2) whether the asserted governmental interest is substantial; and, if so, (3) whether the regulation directly advances the governmental interest asserted and (4) whether it is not more extensive than is necessary to serve that interest."

These four tests are not identical to the ones applied in cases of non-commercial speech. To ban or regulate non-commercial speech requires a "compelling" governmental interest, but for commercial speech all that is necessary is a "substantial" interest. To sustain a ban or regulation of non-commercial speech there must be no less restrictive alternative, but for commercial speech a regulation can be upheld if "it is not more extensive than is necessary to serve that [substantial] interest." In theory, at least, it is easier for government to prohibit or regulate commercial speech, and the Court has suggested that it will not require absolute proof that a regulation "is not more extensive than necessary," deferring instead to legislatures.

Nonetheless, these four commercial-speech tests give justices plenty of freedom to strike down or sustain the regulation of commercial speech at whim. They are the sort of "balancing tests" popular with justices such as Sandra Day O'Connor, who seem to view the justices' role as that of super-legislators. Such "balancing tests" are, at bottom, a way for the justices to implement their personal policy choices. Justice Clarence Thomas, the Court's most outstanding practitioner of plain speaking, understands this. Thomas rejects the four-part test for commercial speech, declaring that where "the government's asserted interest is to keep legal users of a product or service ignorant in order to manipulate their choices in the marketplace," the four-part balancing test should not be applied because "such [a governmental interest] is *per se* illegitimate and can no more justify regulation of 'commercial' speech than it can justify regulation of 'noncommercial' speech." For Thomas, "all attempts to dissuade legal choices by citizens by keeping them ignorant are impermissible."

Thomas's stance is viewed sympathetically by some of his colleagues, most notably Justice Scalia, who has not gone so far as Thomas. Scalia is the Court's champion of original understanding and judicial restraint, and while some of his other First Amendment decisions go much further in widening the scope of the First Amendment, he is more cautious about commercial speech. For Scalia,

> it would . . . be paternalism for us to prevent the people of the States from enacting laws that we consider paternalistic, unless we have good reason to believe that the Constitution itself forbids them. I will take my guidance as to what the Constitution forbids, with regard to a text as indeterminate as the First Amendment's preservation of "the freedom of speech," and where the core offense of suppressing particular political ideas is not at issue, from the long accepted practices of the American people.

There may be an underlying philosophy guiding the Court's First Amendment jurisprudence, and it ought to give pause to those who might be tempted to treat commercial speech as if it were any other kind of speech. In the recent Supreme Court decision rejecting the regulation of the Playboy Channel and Spice, Justice Kennedy conceded,

> When a student first encounters our free speech jurisprudence, he . . . might think it is influenced by the philosophy that one idea is as good as any other, and that in art and literature objective standards of style, taste, decorum, beauty, and esthetics are deemed by the Constitution to be inappropriate, indeed unattainable.

Perhaps Justice Kennedy did not go far enough, because at least one law professor (me)—after 25 years of encountering the Court's free-speech jurisprudence—cannot help but think it *is* motivated by a rejection of the Framers' belief that there could be no order without law, no law without morality, and no morality without religion.

For Justice Kennedy,

> The Constitution no more enforces a relativistic philosophy or moral nihilism than it does any other point of view. The Constitution exists precisely so that opinions and judgments, including esthetic and moral judgments about art and literature, can be formed, tested, and expressed. What the Constitution says is that these judgments are for the individual to make, not for the Government to decree, even with the mandate or approval of a majority.

This is the same philosophy expressed in the notorious "mystery passage" of *Planned Parenthood* v. *Casey* (1992), of which Justice Kennedy was one of the three authors. (None dared claim individual credit.) According to the passage, "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State."

The mystery passage has been invoked to support all kinds of phony constitutional rights, including the "right to die" and the right to enter into same-sex marriages. Proponents of the view that self-actualization is the end of our republican form of government, such as my colleague Redish, take an absolutist view of commercial speech: They see no difference between it and political speech; both expand opportunities for individuals. They would no more allow the government to interfere with advertising than with voting. Anyone with libertarian tendencies cannot help being attracted to that view, but it was not that of the Framers. They placed a higher value on political speech, believing that the welfare of the community and the encouragement of altruism, not the actualization of the individual, was the goal of government.

Those who are ambivalent about, or hostile to, government promoting morality (as are a majority of the current justices of the Supreme Court), will be comfortable with the trend to treat commercial speech (and Playboy's programming) as if it were no different from the views expressed in the *Federalist*. However, if you adhere to the Burkean notion, shared by the Framers, that the encouragement of virtue is a government function, and that this is a primary job for state and local governments, the emerging trends in commercial-speech jurisprudence are cause for worry.

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"All the News Unfit to Print"

Signs of the Times

Vol. 2 No. 10 October 2000

The anti-Christian and anti-European bias of the United States' elite is nowhere more apparent than in its decades-long, love affair with Turkey. President Clinton argued in Ankara last November that Turkey will not only bridge "the gulf between the West and the Islamic World" but is also slated to become "fully a part of Europe, as a stable, democratic, secular, Islamic nation."

A massive Turkish migratory invasion of Western European cities may be the real "challenge that remains for Europe," and that is one reason some Europeans are finally realizing that Turkey is unfit for "Europe." Unlike their American mass media counterparts, they can write about it—although the correspondent for the London *Independent* could complete his final report only after he was safely out of Istanbul (July 15):

> My image of Turkey will always include the day I tried to visit Siirt, a wretched town in the south-east, where the people herd cattle in the streets of the town centre because their villages have all been burnt down by the Turkish security forces. A plainclothes policeman spotted me, a foreign journalist daring to try to do his job in a country that is an official candidate for membership of the EU, and I was followed all day by two carloads of police. . . . It was in Turkey that I first met people who had been tortured. One victim, a Kurd, . . . was arrested on his way from Istanbul to visit relatives in Kurdistan. He was beaten, sprayed with hot and cold water, and given electric shocks to his genitals . . .

A rare American exposé of Turkish government brutality and U.S. complicity was published not in the *New York Times* nor the *Washington Post*, but in the *Bulletin of Atomic Scientists* (March/April 1999):

> In 1995, the Clinton Administration recognized that the Turkish government used American arms in domestic military operations where human rights abuses occurred. In fact, Turkey has forcibly evacuated, leveled and burned more than 3,000 Kurdish villages in the past decade. Most of the atrocities, which have cost over 40,000 lives, took place during Clinton's first term in office. As an ally of the U.S. through NATO, Turkey receives U.S. weapons, from dozens of companies, including Hughes, Boeing, Raytheon, and General Dynamics. . . . The war in Turkey represents the greatest use of U.S. weapons in combat anywhere in the world today.

This condemnation is quoted in the annual report published by Sonoma State University's *Project Censored*. For the past 24 years, the members of the *Project* have been compiling a list of news deemed unfit for reporting in the United States.

Project Censored confirms the influence on U.S. foreign policy of multinational oil companies eager to exploit the Caspian Sea region, and it challenges other multinationals as well, especially pharmaceutical companies that focus their research and development on high-profit drugs such as Viagra, rather than developing cures for life-threatening diseases:

> Viagra earned more than one billion dollars its first year . . . Though representatives of the Pharmaceutical Research and Manufacturers of America claim that some funds are directed toward eliminating tropical diseases, neither they nor individual firms are willing to provide statistics. Research into Third World tropical diseases is not being extensively considered or produced. A recent and effective medicine for African sleeping sickness was pulled from production, while older remedies are no longer available because they are not needed in the US. Meanwhile AIDS continues to receive the most attention in the Third World, mainly because the disease also remains a threat to the First World.

Another health-related story that the establishment media refuse to discuss concerns the wealthy and powerful American Cancer Society (ACS). *Project Censored* quotes from the *International Journal of Health Services* (Volume 29, number 3, 1999):

> More than half the funds raised by the ACS go for overhead, salaries, and fringe benefits for its executives and other employees, while most direct community services are handled by unpaid volunteers. The value of cash reserves and real estate totals over $1 billion, yet only 16 percent of funds go into direct services for cancer victims. Conflicts of interest affect ACS's approach to cancer prevention. With a philosophy that emphasizes faulty lifestyles rather than environmental hazards, the ACS has refused to provide scientific testimony needed for the regulation of occupational and environmental carcinogens. The Board of Trustees includes corporate executives from pharmaceutical industries with a vested interest in the manufacture of both environmental carcinogens and anti-cancer drugs.

One thoroughly censored story is the

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Yugoslav presidential election scheduled for September 24. The speed and seriousness with which the democratic opposition in Serbia has managed to get its act together is both surprising and impressive, in view of its chronic divisiveness in the past. Its leaders have agreed on a joint presidential candidate who will stand against Milosevic. Dr. Vojislav Kostunica of the Democratic Party of Serbia is their choice, which is a welcome development: He is a politician of impeccable democratic credentials, keen intelligence, and high personal integrity. He has not compromised himself either by making deals with Milosevic (unlike Vuk Draskovic of the Serbian Renewal Movement) or by being too subservient to the West (like, say, Zoran Djindjic of the Democratic Party). His consistency and perseverance have finally paid off.

The subsequent attempt by Vuk Draskovic to undermine the long-overdue unity of the democratic opposition in Serbia by fielding his own presidential candidate will finally finish him off as a political contender of any stature. That is insignificant in itself; but it provides Milosevic with the potential for fraudulent electoral games. By having a relative of the late General Draza Mihailovic (the present mayor of Belgrade, Vojislav Mihailovic) run as his *locum tenens*, Draskovic is hoping to keep his hat in the ring—but at the same time he does not dare test his diminishing political fortunes directly. Since he will therefore not run himself, Mr. Mihailovic is unlikely to garner more than three percent of the vote. This may tip the balance in a tight race, allowing Milosevic to claim victory even on the first round (regardless of the number of actual votes cast), but the real problem created by Draskovic's breaking of the ranks is that it allows the regime potentially to rig the election results.

Kostunica's candidacy has caused near-panic in those Western (particularly American) circles that regard the survival of Milosevic as the *sine qua non* of their present and future Balkan strategy. Since Kostunica looks like a man with a real chance, the attack against him has been brutal. He is now described in State Department background briefings as an old fashioned Serb nationalist, a sort of "Seselj in coat-tails," and thus unacceptable as a partner in the "international community." His condemnation of last year's NATO bombing and his refusal to commit to cooperation with The Hague war-crimes tribunal are pointed out as evidence of his unsuitability. Worst of all, Western news stories on the elections have referred to every other politician by name but have carefully avoided mentioning the one opposition leader who can actually win.

At the same time, pro-Western opposition leaders in Belgrade are being sounded out on the possibility of selecting a new, "compromise" candidate who could unite the Serbian Renewal Movement (SPO) of Draskovic with the rest of the opposition. But the effect of any such compromise would be predictable: The fragile unity of real opposition parties would be thrown into disarray yet again, while the electoral clock is ticking. At the same time, no last-minute replacement for Kostunica could have even a theoretical chance of winning. According to all opinion polls, including a very reliable sample in the newsweekly *Vreme*, he is the only opponent of Milosevic with a real chance.

If the West is finally serious about replacing Milosevic and allowing Serbia to find its place in the community of nations, it should tell Vuk Draskovic to call off his farce and get on board with everyone else against the despot. Western diplomats should indicate that they are willing to expose the many skeletons in his closet—particularly the corruption charges that are well known in Serbia. Draskovic, a deeply insecure man, would not want to jeopardize Western acceptance.

If the opposition stays united, Milosevic may lose the election even without the SPO on board. In that event, according to our Belgrade sources, he would stop the vote count if it was turning against him, proclaim a state of emergency (there has been a spate of arrests of "foreign spies and terrorists" in recent days), and rule by decree.

It is in the interest of the United States to have a new government in Belgrade and to seek a genuine long-term settlement in the Balkans that would be just and equitable. It is unrealistic, however, to expect a policy shift in that direction from the Clinton-Gore administration in general, and from Mrs. Albright's State Department in particular. A more pragmatic, less ideologically rigid and morally bankrupt team may well be in charge six months from now, but by that time it may be too late: Milosevic will have secured himself another "mandate," ensuring that the ordeal of his long-suffering people continues unabated.

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Pope Garry the Great: Bare Ruined Choirs?

by Thomas F. Roeser

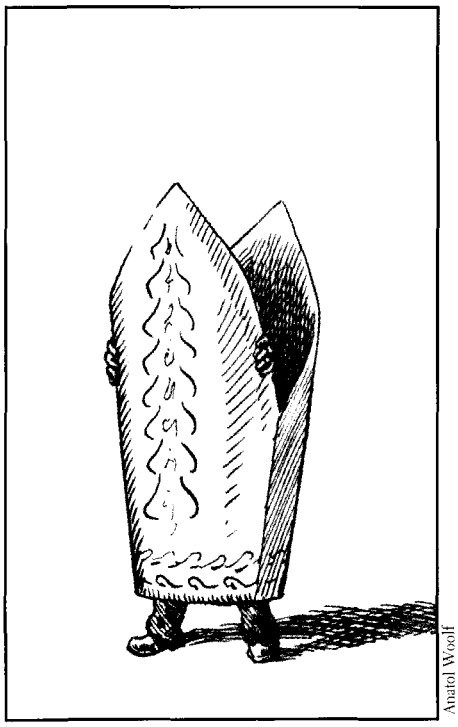
"He that is proud eats himself up; pride is his own glass,
his own trumpet, his own chronicle."
—William Shakespeare, *Troilus and Cressida*

Papal Sin: Structures of Deceit
by Garry Wills
New York: Doubleday;
304 pp., $25.00

◆

What shall we say of Garry Wills who, with a doctorate in the classics, once purportedly showed promise as a conservative intellectual, only to become the historian-icon of the deconstructionist left? Explanations vary; mine is this: Once there comes adulation—Pulitzer Prizes, laudatory reviews in the *New York Times*, and network TV appearances—from the vapid liberal establishment, a mediocre man is beguiled by a crowd that knows his name, allowing him to strut and roll his eyes. That is the brief history of the seduction of Garry Wills. For conservatives, his defection, being no great loss, is not a pity.

A former CIA director once remarked to me that the harm the British traitor Kim Philby did to the West was not in the theft of the secrets he took with him: The Russians either knew these or had guessed them anyway. The damage Philby did was in the dissimulation he spread to the MI5 while he was a member of the intelligence community. Once he fled, his usefulness to his Soviet masters ended.


Anatol Wolff

There was a time when Wills was viewed as a conservative who, dissenting on a few issues, gave those on the right food for thought. Now, we know in advance that he will deplore "McCarthyism" and the 1950's generally, and rustle up a bevy of clichés about race-class-gender, women's "empowerment," and gay rights. As a Catholic, he does not just favor contraception or women priests—he slurs the historical papacy itself. Thus, in theological as well as political terms, he is not a heretic but an apostate.

For years, Wills, who teaches history at Northwestern University (a subject on which he has no formal expertise), has presented himself as a man of superior knowledge and intelligence, analyzing events by dipping into Aristotle, Plato, St. Augustine, Newman, Ruskin, Carlyle, Abbe Pestre, and Charles-Irenee-Castel Saint-Pierre, and applying their ideas to today's problems. Read him on any subject—say, immigration—and this virtuoso will cite Francis Hutcheson, who launched the Scottish Enlightenment, and Ludovico Muratori, the Jesuit archivist to the Prince of Modena. These names, however, are martialed forth with dishonest selectivity and for one purpose only: to con us into accepting otherwise repugnant radical ideas. The complete lack of any standard of argument, whether syllogistic or methodological, is palpable. Thus, Wills adopts selective logical approaches depending on their convenience to his purpose.

In *Saint Augustine* (Penguin Lives Series, 1999), Wills, glorying in the bishop of Hippo's earlier role as a "star in the galaxy of Manichean activists," values him solely as a scholar. Wills dismisses as simply myth the sexual excesses over which Augustine triumphed to become a saint. But Augustine had a longtime mistress, by whom he fathered a son; later, he dallied with another and wrote about still other *inamoritae* who delayed his conversion while he prayed for chastity—but not at once. Ignoring the trail of women in the *Confessions*, Wills writes, "He lived with one woman for fifteen years . . . This kind of legal concubine was recognized in Roman law." His illogic is as important as his inaccuracy. Recognized in Roman law? *So what?* Augustine was

Thomas F. Roeser, a member of the board of directors of The Rockford Institute, is a radio talk-show host and an OpEd contributor to the Chicago Sun-Times. *He is a member of the Fellowship of Catholic Scholars.*

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not writing about Roman law but his own sins against Christian morality, and of his conversion.

The most recent example of Wills' method of politicizing a subject while undermining his own claim to intellectual independence is found in his orgy of polymorphous perversity, *Papal Sin: Structures of Deceit*. Wills pays tribute to two ex-priests (one of whom, James Carroll, is a regular contributor to the *New Yorker* and a venomous assailant of the Church; the other, Eugene Kennedy, an ex-Maryknoller and arch-dissenter from the magisterium) and crowns himself as free-thinking pope. The book offers a host of citations ranging from novelist Fr. Andrew Greeley (who, after the Kennedy assassination, recommended that JFK be made a Doctor of the Church) to the editorial board of the anti-Vatican *National Catholic Reporter* as a substitute for spiritual redemption. Wills insists that he remains a churchgoing Catholic—an obvious ploy aimed at making his assault on Catholic social institutions, the Eucharist, and the church's moral assumptions appear credible.

Wills argues that the Church is trapped by "structures of deceit"—commitments to false doctrines bolstered by a habit of complex and compounded falsehoods. If a pope errs, he claims, the doctrine of papal infallibility leads his successors to compound the lie to justify not only his error but the false doctrine of infallibility. He does not state the doctrine with clarity, misleading readers to assume Catholics believe that, whenever the pope speaks, he does so infallibly. Infallibility is not inspiration. Popes are fallible from the time they wake up, or gather their socks from the drawer (possibly picking one brown, one black). Nor are they preserved from sin. They are, when they speak *ex cathedra* (literally, "from the chair"), immune from error *only* on matters of faith and morals.

Intriguingly, Wills names Cardinal Newman as a personal hero, claiming that the world-famous convert from Anglicanism opposed the doctrine of infallibility. "Totally wrong," says Fr. John McCloskey, an expert on Newman. "Newman always supported that doctrine. He merely questioned whether with the passions running strongly in the council, Vatican I was the place to enunciate it." That fact is apparently unknown to Wills, who declares that Newman believed infallibility begins and ends with the "church first"—excluding the possibility that it ever resides with the pope himself. If the pope does not agree with relevant groups in promulgating a doctrine, he is not infallible, says Pontiff Wills. If the pope goes against these groups, "he is not, *eo ipso*, speaking *ex cathedra* even if he thinks he is." "Again—totally wrong!" retorts Father McCloskey. But McCloskey is not cited in Wills' book. Nor are other traditional Church scholars such as the Jesuits John Hardon and Avery Dulles. Furthermore, Wills' questioning of papal infallibility does not square with his self-proclaimed authority with regard to St. Augustine. The saint's heroic response to the Donatist heretics in A.D. 380 was "*Roma locuta est causa finita est*"—"Rome has spoken, the matter is finished."

Wills' treatment of contraception vividly demonstrates his dishonest intellectual style. Rather than debate natural law, he dismisses it. Never in the long argument on this issue has the subject been clouded with a more forbidding veil of political mystification and high-flown verbiage, obscuring thought. "One particularly disturbing aspect of modern papal claims," he writes, "is the assertion that contraception violates natural law. If it is a matter of moral right or wrong perceptible to natural reason, the ancient pagans should have been bound to see its immorality." But Aristotle maintained that the family is not based on sexual license or social convention. In the *Politics*, he says it is founded "on a union of those who cannot exist without each other; namely, of male and female, that the race may continue." Wills the classicist knows—or should know—that Aristotle wrote of "natural justice" (*Nicomachean Ethics, Book V*) and that Cicero believed "law is the distinction between things just and unjust, made in agreement with that primal and most ancient of all things, Nature" (*De Legibus*, II.5).

Indeed, the connection was made explicit with St. Augustine, who insisted that "theological-Christian considerations not only permeate the whole of law and legal theory but in fact constitute the only sound foundation of true law and true jurisprudence" (Anton-Hermann Chroust, "The Fundamental Ideas in St. Augustine's Philosophy of Law," *American Journal of Jurisprudence*, 1973). Aquinas, following Augustine, called this order in the universe the eternal law.

Wills simply dismisses evidence that contradicts his views. The Church teaches, in theology derived from Augustine and Aquinas, that natural law is violated by contraception and abortion, because contraception is the prevention of human life while abortion is the taking of human life. Both involve the willful separation of the unitive and procreative aspects of sex. Nowhere does Wills lay out this line of argument, nor does he refute it. As a result of his intellectual dishonesty, he does not lay a glove on *Humanae Vitae*—simply scoffs dismissively with borrowed sagacities and incomprehensible pseudo-syllogisms.

The creepiest "revelation" of the book is Wills' wild fantasy, unsupported by scholarship, that Peter and Paul were so

LIBERAL ARTS

Pope Garry on Fatima and the Holocaust

"The last century witnessed many efforts at genocide and ethnic cleansing—mainly of Jews, but also of Armenians, Croats (killed first by Catholics, then by Serbs), Serbs killed by Croats, Herreros and Hutus in Africa, Ache Indians in Latin America, gypsies in Central Europe. None of that is included in the Vatican interpretation of Fatima. There only Catholics count and they do not die because of nationality, ethnicity, or locality. They are martyrs for their religion. They are killed by atheistic systems of Catholic-haters ('systems' in the plural, the focus is no longer just on communism). The vision is very hierarchical. Bishops get pride of place, though there are few of them in the century's roll of martyrs.

"All of this fits perfectly into John Paul's campaign to promote Catholics as the victims (and not among the perpetrators) of the Holocaust. He has broken the Church's own rules in order to beatify or canonize as martyrs Edith Stein and Maximilian Kolbe and Titus Brandsma, all killed by Nazis but not specifically as Catholics. He has claimed that the Nazis were atheists who killed Catholics out of hatred for their faith. The Virgin, whose 'third secret' has for years nursed the fevered expectations of barmy cultists, is now put to more serious use by the Pope. She is helping him create Catholic martyrs to the Holocaust."

—*from Garry Wills, "Fatima: 'The Third Secret,'"* (New York Review of Books, *August 10, 2000*).

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opposed to each other on the issue of whether Christians should follow Jewish law that their followers turned in the two men to Roman authorities. This speculation is based entirely on Peter's silence after being reproved by Paul, which means to Wills that Peter did not accept the admonition to dine with gentiles! No biblical scholar would even venture this absurdity. With this ridiculous scenario, Wills destroys his credibility as an author.

How Wills can think of himself as still a Catholic is anyone's guess. Examining critically the role of the priest, he charges that his powers to transform bread and wine into the Body and Blood of Christ "were invented to make that physicality more evident." Is it not odd that "the power of the priest to consecrate" is not mentioned in the New Testament, he asks?

What of the Last Supper and Jesus's command to "do this in memory of me"? Wills makes no mention of the four New Testament accounts of the institution of the Eucharist (Matthew 26:26-29; Mark 14:22-25; Luke 22:16-20; and 1 Corinthians 11:23-30). St. Paul writes:

> For I have received from the Lord what I also delivered to you, that the Lord Jesus on the night he was betrayed, took bread, and when he had given thanks he broke it and said, "This is my body which is for you. Do this in remembrance of me." In the same way also the cup, after supper, saying "This cup is the new covenant in my blood." For as often as you eat this bread and drink the cup, you proclaim the Lord's death until he comes. Whoever, therefore, eats the bread or drinks the cup of the Lord in an unworthy manner will be guilty of profaning the body and blood of the Lord.

These verses clearly bear witness to the early Christian faith in the Eucharist, as Paul wrote these lines around A.D. 57. But these powerful citations go unmentioned in a passage which does not miss opportunities for megalomania.

In the Church's 2,000-year history, there are numerous examples of dishonesty and deceit, usually connected with power struggles where the teaching of faith and morals was not involved. Wills insists, however, that dishonesties at the highest levels of the Church are emblematic of a deep-seated problem with the truth. Such a radical thesis needs rock-solid proof, which Wills does not provide.

Arguing that priests should marry, he fabricates a bold rationale: He interprets the Greek *gunaika* as "wife" rather than as "woman," its root meaning, asserting that, since some of the apostles were married, their successors should also have the right to be married. In support of female priests, he insists that there *were* such in early times, citing Romans 16:7 for support: "Greet Andronicus and Junius, my kinsmen and my fellow prisoners; they are men of note among the apostles and they were in Christ before me." In Wills' tortured treatment, Junius was a woman whose name was changed in later translations (an old charge going back to 18th-century anti-Catholic polemics).

Following a twisted reasoning process, Wills shifts gears and insists there is no precedent for *male* priests, so why should women *not* be ordained? You see, the apostles were not priests and did not ordain priests. Never mind the ancient prophets who passed on their prophetic powers to those who would follow them as teachers in Israel; never mind the priestly castes of the family of Aaron, which passed on its sacerdotal privileges from father to son; never mind the royal family of David and his descendants, to whom the Messiah was to be born; never mind that this concept of succession was clear in everything Christ did—His choice of the 12 apostles who would judge the 12 tribes of Israel, and the very name "apostles" as those whom He was sending; and never mind that, at the Last Supper, He told the apostles to continue what He had just performed and that, on Easter Sunday night, He instructed them to forgive sins in His Name, that He was sending them into the world to teach and preach, to baptize and sanctify, to make disciples of all nations. These things are ignored in Wills' book.

There was never, Wills insists, a laying on of hands. *But Paul did it.* Wills denies he was an apostle. But Holy Writ has him an apostle, although not one of the 12—a convenient lapse of the kind Wills frequently makes.

Wills berates the Church for being unjust to the Jews, never recognizing John Paul II's frequently expressed sorrow for the excesses of some clergymen and his touching visit to the Wailing Wall. With the case of Edith Stein, Wills concentrates his fire on the Church. Stein, a gifted intellectual, was born to Jewish parents in Breslau, Germany. She pursued a distinguished career in philosophy, converted to Catholicism, and entered a Carmelite convent, taking the name of Sister Teresa Benedicta of the Cross. After *Kristallnacht* (November 9, 1938), she left Germany for the Carmelites' convent in Echt, Holland, taking her sister, Rosa, who had also become a Catholic, with her.

But Holland was a precarious domicile for Stein. Like other Jews, she was forced to wear the Star of David. When the Nazis ordered the arrest of all converted Jews, she was picked up. "Come, let us go for the people," she told her sister. She and Rosa were transported to Auschwitz. After vocal complaints from Catholic clergy, the Nazis tried to cut a deal with the Church: Stop defending the Jews, and we will let Jewish Catholic converts go free. The bishops of Holland refused. Angered, the Nazis exterminated all Jews who were Catholic converts, including Stein and her sister.

Wills ornaments his ugly propaganda against John Paul II with academic jargon, but the basis of his rage is clear: By canonizing Stein, the Pope was trying to muscle in on the exclusive Jewish proprietorship of the holocaust. His arguments are unconvincing. Stein was the first person in the 400-year history of the congregation of cardinals and bishops to be confirmed as both martyr and confessor ("confessor" is the term denoting heroic sanctity). The Pope declared that, "in the concentration camp, she died as a daughter of Israel and at the same time as Sister Teresa Benedicta of the Cross." The cause of her martyrdom, the Pope rightly said, was the Dutch bishops' letter against the deportation of the Jews. And because of her great desire to unite with the sufferings of Christ on the Cross, he added, "she gave her life for genuine peace and for the people."

Only a mean-spirited, anti-Catholic bigot could seek to deny not just her martyrdom but her sanctity—and Wills, leaning upon ex-priest James Carroll, does just that. The Church credits Stein with a miracle received by a young girl; Carroll found the girl's doctor, who denied that her recovery was a miracle. And so it goes, Wills accepting uncritically Carroll's reporting in the *New Yorker* while failing to point out the facts: Catholics suffered greatly, second only to the Jews, at the hands of the Nazis. Over a third of the Catholic clergy in Poland

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were imprisoned by the Nazis at war's end. "By May, 1943 in the German Reich, 8,000 Catholic clergy were imprisoned in Dachau and 1,400 monasteries had been closed," states Martin Doohry, who, as professor of history at DePaul University, specialized in Nazi atrocities.

Wills' tireless efforts to politicize history are defeated by the facts. Nevertheless, his book will be of use to anti-Catholic radicals, who can point to it as the work of a Catholic intellectual who confirms what they have always thought about the Church. Church historian James Hitchcock shakes his head dolefully:

> [Wills'] main objections to Church teaching turn out to be exactly those things which bother present-day secularists. If the Church were faithful to its heritage in the ways Wills prescribes, its teachings would largely echo the editorial page of *The New York Times*.

Predictably, Wills is pro-abortion. In his syndicated newspaper column, he has presented Augustine and Aquinas as supporters of *Roe* v. *Wade*. Ignoring opposition to abortion as far back as the first-century *Didache* ("you shall not procure abortion nor destroy an unborn child"), and avoiding mention of the condemnations by St. Basil in A.D. 374, Wills makes it appear that Augustine's and Aquinas's discussions of "ensoulment" invalidate Catholic theology. Hindered by ancient biology, Augustine and Aquinas were uncertain as to when human life begins. But they never endorsed abortion—*never*. Wills does not admit this. He has cited favorably the belief that, up to the seventh month after conception, an unborn child "is just a pile of wires and switches . . . not an electrical circuit." Nor does he recognize recent medical research, summarized by Dr. Bradley Patten in *Human Embryology*: "The cell results from fertilization of an oocyte by a sperm and is the beginning of a human being. Each of us started life as a cell called a zygote." It is inconvenient information, so Wills ignores it.

Wills' solution to the scandals involving priestly pedophilia is to allow priests to marry. But if one's sexual orientation is fixed and non-sinful—as Wills and the gay community insist—why should pedophiles be satisfied with wives? Indeed, many of them, including non-Catholic clergymen, are married men. How does Wills answer this? He does not, nor will he ever face the question so long as he continues carefully to select his media venues. I asked him to be a guest on my radio talk show and never heard back: Garry Wills only assents to interviews where he will not face tough questioning.

For Wills, who has denied philosophical and theological absolutes in his own life, the only certainties remaining can be provided by the regulatory state. In recognition of Wills' service to the deconstructionist culture, and for his defense of the grossest personal immorality ever perpetrated by an American president, Bill Clinton conferred on Wills the National Humanities Medal. How fitting: From the hands of the Abortion President to the outstretched grasp of the Great Dissembler from whose word processor flow countless deceitful books, the honor passes.

Many years ago, Bishop Fulton Sheen was accosted by a young priest who announced that he was leaving the Church because he had trouble with several complex doctrines. Sheen looked at him for a long moment and then said, softly: "Who is she?" When another priest came to him, tendering his resignation for the reason that the Church purportedly builds cathedrals while the poor starve, his words were: "How much have you stolen?" Both men were shamefaced with guilt. What bothers Wills about the Church may not be papal sin but his own inner discontent with strictures that impose a burden—but of course, we cannot know.

With *Papal Sin*, Wills moves not just to the left but to the province of such utopian radicals as Wilhelm Reich, Allen Ginsberg, Norman Mailer, Susan Sontag, Timothy Leary, Abbie Hoffman, Tom Hayden, the Black Panthers, and Charles Reich. His desire to be Pope Garry lurks behind his anger. Yet, having (in his mind) demolished papal infallibility, he should not want to be pope: His Church, shorn of the Eucharist, absent its distinguishing marks, would be Unitarian at best. And what good is a pope of the Unitarians? As useless as a Kim Philby living in the Soviet Union.

C

An October Almanac

by Brendan Galvin

That nameless tint hovering above sunset
a few evenings, just shy
of the conflagration, has bequeathed
itself to the sickle asters now. Rich
with it, they foam up everywhere,
largess in the glower of a hunter's moon
that aims to change everything. Poison
ivy's taken off up trees and down ditches,
in robbery or elopement carrying away
those last western lights that bleed out into
darkness. Now deer have traded their
coats to cinnamon ferns, in exchange for
the marshes' weathered brindle.
This morning, where their track angles
down out of the high woods
to the drinking place at the river,
signs of a scuffle that churned the path
to dirt. The dog noses there, eyes doleful
with last night's story: late, the world
gone black and white, a face, briefly
between trees, then faces wild to cancel barter.

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Middle American Mellow?

by Samuel Francis

America's Forgotten Majority: Why the White Working Class Still Matters
by Ruy Teixeira and Joel Rogers
New York: Basic Books; 232 pp., $25.00

◆

Since the 1960's, American politics at the national level has primarily consisted of an endless search for a new majority. The Democratic Party's embrace of the civil-rights movement kicked off the quest by undermining the New Deal coalition that combined white Southerners with white, ethnic, Northern union members, allowing the Republican Party to invade the South and even swipe many of their rivals' voters in the North. The Democrats, in return, got the black vote and kept (usually) most of the union vote, but as the victories of Richard Nixon and Ronald Reagan attest, the GOP got the better deal. Ever since, the Democrats have been seeking to rebuild the coalition they lost without having to abandon the eccentric positions to which both their ideological preferences and new electoral base wed them. The best tactic they have devised is to nominate white Southern candidates, such as Jimmy Carter, Bill Clinton, and Al Gore, who never jeopardize the structural basis of the left's hegemony in state, economy, and culture but can plausibly masquerade as less leftish than the party and its true bosses really are. This strategy has indeed fooled some of the people some of the time, but it cannot work in the long run because the party's radicalism cannot be concealed forever, and when it comes out, white middle-class voters will defect.

The perennial quest of the Democrats, therefore, is to steal back the voters who, over the years, have been known as "Wallace voters," the "Silent Majority," "Reagan Democrats," or "Perot voters," all of whom are more or less synonymous with the white (and largely male) working- and middle-class base the Democrats lost in the 60's. The Republicans, however, managed to win enough of these voters, at least through 1988, to keep the White House, although in 1992 and 1996 the combination of Clinton and Perot on the ballot, coupled with the Stupid Party's own lack of understanding of why white men vote for it, endangered continued GOP control of this key sector of the electorate. In recent years, political analysts on both sides of the fence have claimed that alternative voting blocs—"soccer moms" in the suburbs, Hispanic immigrants in the West and Southwest—have begun to play the strategic role white males played for the last 30 years. Hence, both parties have neglected white males and their interests and concerns, which is why they have become the "Forgotten Majority" (about 55 percent of the total electorate) in the title of this slim new study.

America's Forgotten Majority is a convincing restatement of the continuing significance of white male working- and middle-class voters in national elections. Both Ruy Teixeira and Joel Rogers are political scientists of leftish orientation, however, and it is their thesis as well as their hope that the "Forgotten Majority" is no longer the right-wing power base it has been since the 1960's, that it has now mellowed enough to be able to serve as the new base of a resurgent liberalism which "can revive active, strong government and build a 21st-century prosperity that is truly inclusive of all Americans."

Aside from the thinly disguised agenda of their book, in many respects Teixeira's and Rogers' analysis is almost identical to the one advanced in 1976 by the late Donald Warren, whose study of the Wallace voters in the late 1960's and early 1970's led to his coining the term "Middle American Radical" (MAR)—a concept that both Kevin Phillips and I have used to describe the Wallace-Nixon (and later Buchanan) voting base. MARs, in Warren's analysis, were not only characterized by their middle-income status but by their association with a distinctive worldview: that "the rich" (or the powerful) give in to the demands of "the poor" at the expense of the middle class. It was this belief that accounted for their "radicalism" (their distrust of government, the rich, and establishment authorities in virtually every field) and made them receptive to alternative leadership from the anti-establishment, populist right. MARs saw themselves as exploited by an alliance between the ruling class and the underclass, and they rejected both the pro-underclass policies favored by the conventional left as well as the pro-ruling class policies championed by the mainstream right. As Wallace showed in his campaigns, MARs were entirely open to a "third way" that sought to synthesize the cultural beliefs of the right (patriotism, moral and religious traditionalism, racial and class identity) with some of the economic ideas of the left (middle-class safety nets, health, employment, and retirement benefits).

Teixeira and Rogers never refer to Warren and his work; they mention George Wallace on only one page and Pat Buchanan not at all, but their description of the Forgotten Majority resembles, with some differences, Warren's description of MARs. Economically, Forgotten Majority types tend to be "low-level white collar and service workers" rather than the blue-collar factory workers of the 60's and 70's. Only about 17 percent hold factory jobs today. Their median family income is about $42,000, as opposed to MARs' $3,000 to $13,000 family income in the early 1970's. They live in the suburbs and are better educated than the older working class: Four-fifths hold high school diplomas and around two-fifths have some education beyond high school. As Teixeira and Rogers argue, "the typical blue-collar or low-level white-collar worker was on a rapid escalator to the middle class until 1973, but after that had to work hard simply to maintain his or her hold on the income necessary to maintain a middle-class lifestyle."

The result has been a "disjuncture" between the core values of the Forgotten Majority, its belief in what the authors describe as "freedom, equality before the law, equality of opportunity, fairness . . . achievement and hard work . . . patriotism, democracy, American exceptionalism . . . caring beyond the self, religion, and luck," and, on the other hand, its economic experience as its values have ceased to bring the expected material rewards. "The failure of activist government to restart that escalator, combined

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with its apparent concentration on the problems of others (minorities, the poor, gays, even criminals), convinced Forgotten Majority voters that government was more part of this values-experience disjuncture than its solution. The direct result is the sour and skeptical attitude toward government we still see today." This "sour and skeptical" view of government is very close to, if not identical with, the distinctive MAR view of government as being on the side of the rich and poor against the middle class, and it is the basis of the swing of the white middle-class toward Republican and right-wing populist candidates since the early 1970's.

Teixeira and Rogers, however, question whether this right-leaning inclination still exists. In their view, the right-wing interlude is now coming to a close, and there is an opportunity for the Democrats to reclaim the Forgotten Majority by redirecting government in its interests, while abandoning support for race-based integration and affirmative action (they propose class-based versions) and muting the more offensive expressions of countercultural liberalism. They are not the first to make such recommendations; what *is* new, however, is their argument that the white middle class is now ready to turn at least moderately left—that the "pragmatic conservatism" that has characterized the Forgotten Majority in the past "has softened considerably" (polling data are said to show that Middle Americans now favor more federal spending on education and health care and are less "intolerant" than before on such issues as abortion, homosexuality, and race), and that clever Democratic political architects can construct a coalition using "universalist, transracial issues" to mobilize Forgotten Majority whites, as well as blacks and Hispanics.

Rogers' and Teixeira's argument for the political mellowing of the Forgotten Majority is somewhat tendentious, relying on both their subjective interpretations of Majoritarian "values" as reported in polls and the lack of interest these voters displayed in recent Republican proposals such as the Contract for America, or the politically driven moralism that Republicans affected during the Monica Lewinsky scandal. Nevertheless, they may well have a point: If the rightist social and cultural proclivities of Middle Americans are not constantly fostered by political leadership, they are likely either to wither or be converted into left-wing radicalism. With the triumph, in the last two decades, of a milkish neoconservatism over the more militant populist conservatism that began to flourish in the 1970's, there has been little, if any, reinforcement of Middle American radicalism on the right. The culturally conservative views of white Middle Americans may be decaying simply because no prominent Republican leader, and virtually no major conservative journalist or cultural leader today, voices views such as those routinely expressed in the 1960's and 70's by Wallace, Nixon, Spiro Agnew, Reagan, and others. In recent years, Pat Buchanan and (to some extent) Rush Limbaugh have been the only major figures to reinforce such views.

The anti-establishment rightism of MARs and their alienation from the establishment left was based less on any firm philosophical grasp of, or commitment to, conservatism of any character than on three other factors. First, Middle Americans are far more exposed and vulnerable to the dangerous consequences of big government and the social engineering promoted by liberalism than are economic elites. (MARs are the ones who have to walk the streets that the left refuses to police, whose social and moral values elicit only snickers and sneers from the establishment media, and whose jobs are the first to be shipped off to Mexico and Thailand by the globalist policies favored by both wings of the establishment.) Second, Middle Americans are less assimilated into the dominant value-system of the left, mainly because they are not so likely as more upwardly mobile people to attend college and are less open to the ideological content of the garbage that pours out of Hollywood, television, major publishers, and the news media. Finally, Middle Americans are less vulnerable to most of the punitive measures the ruling class uses to enforce ideological and political orthodoxy: A corporate executive, a journalist, a college professor, a lawyer, or a doctor is far more likely to be harmed professionally and socially by being publicly denounced as politically incorrect than a plumber or construction worker would be. Hence, political dissidence from the right is more likely to flourish among blue-collar, Middle American occupations than in the professional classes.

Some of these conditions, however, may no longer apply. Teixeira and Rogers emphasize that Forgotten Majority members are typically better educated than the blue-collar workers of the older Middle America, and that the increasing totalization of ruling-class cultural disciplines may mean that Middle Americans are now much more assimilated into, and controlled by, the dominant system than they used to be; as a result, Middle American Radicalism is dying or dead. If that is the case, then the right—whether paleo or neo, populist or establishment—is in trouble, and it may be possible for the left to mobilize Middle Americans to preserve its hegemonic power, thus accelerating its political agenda in a way it has been unable to do since the time of the Great Society.

By the end of their book, Teixeira and Rogers are openly pushing for that outcome and advising the Democratic Party how to accomplish it. What they want is little more than the elaboration of the managerial state through national health insurance, national control of education, and a national retirement policy, and the further entanglement of Middle Americans within that state. They do concede that Republicans also could make use of the Forgotten Majority, but only if they discard the "ideological anti-government stance" and the "intolerant social conservatism" that they believe characterizes the party today, and that has driven the party's major electoral victories since the 60's.

What will not help either party, however, is an effort to rely on, and to increase their share of, black and Hispanic voters to make up for the white male voters both Democrats and Republicans have neglected. Teixeira and Rogers insist that neither black nor Hispanic voters turn out in sufficient numbers to compensate for the Democrats' loss of white voters, and only by the year 2020 will Hispanics constitute 15 to 20 percent of the voting age population, which "might increase the Hispanic proportion of the voting electorate to about 8 percent." Republican efforts to win more black voters "would, in all likelihood, be wasted," because of deep-seated black hostility to the Republican Party and loyalty to the Democrats, while the potential for Hispanic support for the Republicans "will remain small" on the national level: Pro-immigration conservatives who have demanded that the GOP abandon immigration control for fear of alienating the Hispanic vote need a new argument.

Although Teixeira and Rogers may be correct that the white middle-class voter has become more socially liberal than he was in George Wallace's day, it's doubt-

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ful the Forgotten Majority has changed as much as they claim. Popular support for Bill Clinton during the Lewinsky scandal was due not to approval of the President's *outré* sexual habits but to the economic well-being of the nation and perhaps also to a reaction against the transparent political partisanship of the Republican attack on him. It may well be that white middle-class voters desire more government spending on health care, education, and Social Security, and since the Republicans have done nothing to help their most loyal supporters in these areas, it would hardly be surprising if they bolted to the Democrats or some third-party candidate who does offer help.

Teixeira and Rogers, therefore, may not be correct about the mellowing of Middle America; it is far more likely that emerging cultural and racial threats to Middle Americans in schools, suburbs, and occupations—as well as government policies favoring uncontrolled immigration, globalization, and multiculturalist radicalism—will keep the right-wing edge on the Middle American saber, especially if a political and cultural leadership emerges to keep that edge sharp. Nevertheless, both the Democrats and the Republicans could learn something important from *America's Forgotten Majority*, although it's doubtful either will. The Democrats cannot afford to dilute their commitment to the radical agendas of the constituencies on which they depend by seeking Forgotten Majority support; the Republicans can always gain a good deal of that support by invoking the specter of the Democrats' cultural radicalism to frighten the majority away from their rivals, while at the same time avoiding policies that would serve Middle American interests or reinforce Middle American cultural beliefs and institutions. Until a leader emerges who can convincingly combine appeals to cultural traditionalism and right-wing radicalism with attention to Middle American economic interests and anxieties, American politics will continue to swing between two false poles that help keep each other empowered by their joint mastery of the art of fooling some of the people some of the time.

Samuel Francis is a nationally syndicated columnist.

Crowned With Thorns and Glory

by Thomas Fleming

Jefferson Davis: Unconquerable Heart
by Felicity Allen
Columbia: University of Missouri Press; 808 pp., $34.95

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"As the tug bore him away from the ship, he stood with bared head between the files of undersized German and other foreign soldiers on either side of him, and as we looked, as we thought, our last upon his stately form and knightly bearing, he seemed a man of another and a higher race, upon whom 'shame would not dare to sit.'"

Felicity Allen begins her superb biography of Jefferson Davis with this portrait, supplied by his wife, of the captured Confederate President as he was being conveyed to Fortress Monroe, where he was forced to endure indignity and mistreatment designed to kill his body and destroy his soul. The opening chapter reads more like a novel than what we have come to expect from a biography with nearly 200 pages of notes and bibliography. With the sure instinct of a good novelist, Mrs. Allen understands that Davis made his greatest impression on the world in defeat, and the rest of her magnificent book unfolds with something of the sense of inevitability conveyed by the novels of Thomas Hardy, with this important difference: Hardy's tragic heroes get what they deserve.

From the first page of *Jefferson Davis: Unconquerable Heart*, the modern reader knows he has strayed into alien territory, into that strange world of loyalty, courage, and honor that we used to know as America. Many will shrink away from the experience with fear and loathing, as at least one merely academic historian has done in a thoroughly dishonest review, suggesting that, because the latest bibliographical entry is from the 1980's, Mrs. Allen has not done her homework, that her work is somehow tendentious. In fact, the truly remarkable accomplishment of this book is the fine interweaving of documents and quotations into a narrative that is always coherent and sometimes very beautiful. Unlike so many modern biographers who insist on putting themselves into their books, Mrs. Allen has modestly stayed out of the story.

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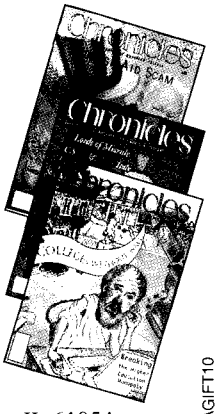

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Normal Americans—an increasingly rare breed—will welcome this substantial volume as a new literary and historical classic.

This is by no means the first biography of Jefferson Davis. In addition to his wife, Varina Howells Davis, a long line of biographers, friend and foe, have undertaken the task, from Frank Alfriend's fair-minded attempt in 1868 to Allen Tate's malicious exercise in historical revisionism to Hudson Strode's romantic and unscholarly volumes published in the 1950's and 60's. Historians and biographers have not, on the whole, been kind to Mr. Davis, or even just. The pattern was set, immediately after the War Between the States, when newspaperman E.A. Pollard published his vindication of the South, *The Lost Cause*. As Felicity Allen points out, Pollard wanted to prove that the South was right and that the cause was only lost through the perfidy and weakness of the first and only President of the Confederate States.

Every losing side needs a scapegoat, and Jefferson Davis, with his loyalty to West Point officers, provided the conventional sacrificial victim. Davis was wrong to trust Robert E. Lee and not Nathan Bedford Forrest; wrong to draw the line in front of Richmond instead of defending the middle South; wrong to quarrel with Joe Johnston, wrong to trust Johnston's capacity, wrong to replace him with Hood. More broadly, Davis has been viewed as a conceited prig, emotionally unstable, incapable of running a peaceful city, much less a new nation at war.

Some of the specific points are valid: If Joe Johnston knew anything, it was how to retreat. But President Davis was in an impossible situation: The South was undermanned and outgunned, outspent, and outproduced by the North. All the bravery, chivalry, and honor on the planet could not have won the war without the support of France or Britain. Without French assistance, there would have been no free and independent union of American states in the first place. In one sense, it was Charles Francis Adams, the Union's ambassador to the Court of St. James, who won the war, not the Union butchers sent by the demagogue in the White House. Unlike most Southern fire-eaters (and Mrs. Allen makes it abundantly clear that Davis was no fire-eater), the President of the Confederacy knew the odds and accepted them calmly as a man is supposed to do. Davis's brother-in-law, Gen. Dick Taylor, was acerbic on the question of armchair commanders who showed, from the comfort of their book-lined study, how the war should have been fought and could have been won.

In recent years, only Shelby Foote has attempted to paint a sympathetic portrait of Davis, and although some have foolishly accused the Lincoln-loving Foote of Confederate tendencies, they forget that the historian's own kinsman, Sen. Henry Foote, had been Davis's political nemesis in Mississippi. There was something in President Davis that caused even his enemies (like Seward) to admire him, and that was his character.

Even Davis's warmest admirers have tended to portray him as a parody of the "iron man," John C. Calhoun, as a man almost fanatical in his devotion to principle, admirable (if you like) but barely human. Mrs. Allen, however, reveals a three-dimensional Davis: a fun-loving young man getting in scrapes at West Point; the gallant officer falling in love with Zachary Taylor's daughter, who became his short-lived first wife; the sorrowing widower. (Mrs. Allen dispels the myth that the marriage caused a serious rift with General Taylor or his family.) In time, he became the hero of the Mexican War and the passionate husband who just managed to keep his equally passionate (to the point of hysteria) and considerably younger wife, Varina Howells, under control.

Mrs. Allen keeps her novelistic eye open to the human dimensions of Davis's career. He was well served by his loyalty to old friends and comrades like Dick Taylor, Albert Sidney Johnston, Robert E. Lee, and Leonidas Polk, but, straight as he was himself, he could never quite get to the bottom of more equivocal characters like W.H. Seward, Joseph Johnston, or Braxton Bragg. Davis's constancy in principle and loyalty grew out of a character that was deeply rooted in religious faith. Attracted to the Roman Church as a boy, he never took the final step of conversion: He was repelled, he said, by what he saw of the priests in Cuba.

Even if he had made the change, Davis would have made a gospel-centered, not to say Calvinistic, Catholic. The moral teachings of the Christian Church, with its twin emphases on duty and humanity, inspired him in his daily life. Hearing a Northern politician predict that most blacks would perish once they were freed, Davis was shocked by the brutality of abolitionists who hated Southerners because they (the abolitionists) hated Africans. Of the abolitionists, perhaps only crazy Thad Stevens could endure the presence of African-Americans. But, unlike Abraham Lincoln and his colleagues, Davis had known and trusted black people all his life. He did not regard them as prepared, *en masse*, for emancipation; he did, however, regard them as fellow human beings deserving of kindness and respect.

In his sympathetic regard for blacks and Indians (Chief Blackhawk, after he was captured, said that this young war chief was the only American who knew how to treat another warrior), Davis revealed himself as a Christian. In the dignity and courage he displayed under sufferings and misfortunes that have broken many good men, he set an enduring example of how a Christian is to live and meet death. It is altogether fitting that a nation contemptuous of Christianity should vilify his name. Pope Pius IX, who understood Davis and what the South was fighting for, sent his own picture to the President; during the *Risorgimento*, when the Italian Lincolns made the Pope a prisoner in his own palace, the Davis family adorned the picture with a crown of thorns. Varina called it "a crown of thorns and glory." (Robert E. Lee said that the Pope was "the only sovereign in Europe . . . who recognized our poor Confederacy.")

In 1861, when Davis was being introduced to the people of Montgomery, William Lowndes Yancey declared, "The man and the hour are met." In this volume, that declaration has been fulfilled, as President Davis finally receives the biography he deserves.

Thomas Fleming is the editor of Chronicles.

Upstairs, Backstairs

by Katherine Dalton

Keeneland
by Alyson Hagy
New York: Simon & Schuster;
270 pp., $23.00

◆

Anyone writing a novel about thoroughbred racing in Kentucky would

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think first of setting it at Churchill Downs—that brassy track in Louisville which holds its tinsel-television spectacle of the Kentucky Derby every May. Instead, Alyson Hagy chose Keeneland, Lexington's track set in the middle of the Bluegrass horse farms. Keeneland is smaller, greener, more pleasant in every way, and it's a quick trip from the stands back to the paddock to see the horses as they saddle up for the next race, something that for me is always the best part of the racing day. Only recently did Keeneland get an announcer (the equivalent, for you Cubs fans, of installing night lights at Wrigley Field); and races run in that now-lost relative silence had a greater charm, too. In her choice of setting, Hagy avoided the obvious for the more interesting: an early sign to the reader that her novel will be a good one.

With its hats and clubhouse pins, its incomprehensible racing form, its exactas and boxed bets, the ritual (and to many it is precisely that) of going to the racetrack has never had much allure for me, though you're not supposed to admit it when you've grown up a few miles from the Downs. What I do understand is the appeal of the horses. Alyson Hagy feels it too, which is why she has set her novel not in the "upstairs" of thoroughbred racing, among the owners in the stands, but in the downstairs, the backside, where the horses are exercised and timed, closely watched and understood by a very different group of people.

The novel is told in the voice of Kerry Connelly, an exercise rider who has come to Lexington to work the spring meet, on the run from a husband in New York who is up to his chin in dope and loan sharks. She has beelined to the place she calls home—not Frankfort, Kentucky, where she finished high school, nor her mother's place in Florida, but the track where she first made something of a name for herself, before leaving with a man she loved and falling flat. At Keeneland, she hopes to hide for a while, work enough to eat, and sort out her feelings.

When in Rockford,

Eat at

Lee's Chinese Restaurant

3443 N. Main Street

Kerry is a compelling character, and the string of bad decisions she makes only places her essential integrity in sharper relief. In punishing herself for her mistakes, she does the job thoroughly—alienating her old friends, losing her earnings at poker, allowing herself to be sweet-talked into a scam, getting beat up. Living among the racing equivalent of carnival people, Kerry has learned to like the roughness. Owing to Kerry's trueness and resilience, though, the story is less gritty than a quick synopsis makes it sound. All this self-punishment is part of her healing: She tells herself at one point that she doesn't deserve to work for her old friend Billy T., but has to earn a new future for herself, without help. Even as her circumstances worsen, she finds first hope, and then salvation. This is not a "Christian" novel, but it is a pilgrim's progress, a character study of a good woman trying to make sense of a world whose mix of betrayal and grace is recognizable to all of us, backsiders or not.

Kerry takes great care of her mounts. She reads them better than their trainers do, being a lot like a smart, high-strung mare herself. Her transcendent feelings during her dawn rides are instantly recognizable to anyone who, on the back of a horse, has felt something similar; these passages are beautifully written, evocative, and show the depth of spirit Kerry is capable of—when not snatching at the seemingly shortest way out of trouble, which, like most shortcuts, isn't.

Another pleasure of this book is the care with which it is written; well-paced, it ends just as it should. Hagy's minor characters are nicely drawn, too: among them Reno, the boy preacher turned stable foreman who sermonizes to his horses; Alice, a mid-level trainer fighting to keep her barn in business; and Red Flora, the jockey agent, always positive, always anxious, whose young clients always ditch him in the end.

Capturing the protagonist's voice, however, is Hagy's real accomplishment. Kerry is a character who rings true: not just as an individual but as a representative of an entire late-century generation of 20-somethings. We live in hard times, and the Kerrys of this world will need a good seat, light hands, and plenty of grit in order to ride them out.

Katherine Dalton lives on a cattle farm in New Castle, Kentucky, and is the author of Quill Bark and Laudanum, *a play.*

Onward and Upward

by Paul Gottfried

How We Got Here: The Seventies
by David Frum
New York: Basic Books; 418 pp., $25.00

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Like the Roman *cursus honorum*, the ascending path of neoconservative success is carefully prescribed. Instead of the progress from aedile to consul, however, the journey leads through hackwork up to the glories of publishing with Basic Books, appearing on TV talk shows, and gracing the mastheads of neocon magazines. David Frum managed to move through all of these levels while still in his 30's, and although he lives in Washington, he continues to propound distinctly neoconservative views in his native Canada as a columnist for the *National Post*.

Previous to this study of America in the 1970's, Frum produced two books setting forth the tenets of a defanged conservatism while damning those of the crotchety Old Right. While the neocons howl against the counterculture and "new class" machinations, their critique is not aimed at the minions of the federal government nor the political class in general. As ambitious Beltway climbers, neocon journalists have no desire to slay the monsters that sustain them: They do not oppose unrestricted immigration from the Third World and the social engineering that accompanies it; nor "moderate" feminism; nor an activist foreign policy designed to "moralize" other countries; nor most of Bill Clinton's "centrist" policies. What they deplore are the excesses of the hippies of the 1960's and 70's. For neocons, the enemy is never government *per se*, which we are expected to love as the highest expression of patriotism, but the cultural change brought about by the countercultural rebels of the 60's. Although the "Reagan Revolution" supposedly cleansed the rest of our society, academia and at least a portion of the media are thought by neoconservatives to remain firmly under the control of "hate America" zealots. Summing up their view, Chester Finn, the neocon educational guru, describes the academic world as "an island of totalitarianism in a sea of freedom."

Unlike Frum's earlier books, *How We*

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Got Here is not an echo of the neocon party line, although the author does throw some bones to his patrons. To those who feel nostalgia for the United States of 50 years ago, Frum offers the establishment retort: "It is not true that things in general were better half a century ago, things in many respects were worse—more militaristic, less innovative, more statist, less tolerant, more unionized, less humane, more prejudicial." Moreover, Frum insists that the United States has recovered morally after "the scandals of the Clinton presidency touched off an explosion of baby-boomer self-disgust." Thus Vice President Gore delivers speeches "recalling the pride with which he wore his country's uniform and describing 'faith and family' as his deepest commitments. Former draft-evaders queued in bookstores to buy Tom Brokaw's Valentine to their wartime parents." Frum is anxious to show that Americans of today combine the best of past and present, renewed "family values" and entrepreneurship with relaxed borders and oozing tolerance.

Despite his occasional imitation of Ben Wattenberg's celebration of "America, the World's First Universal Nation," Frum offers truth as well as bromides. His chapter entitled "The People's House," which lists the numerous powers seized by the judicial-administrative state over the last 35 years, leaves the impression that only minimal opposition has been mounted to this arrogation of power. While, in the 1940's and 50's, the federal government increased its surveillance and regulatory activities by appealing to military necessity, since the 60's, it has grown more intrusive, allegedly out of sheer niceness, controlling people's lives to help them overcome "prejudice" and ensuring the flow of middle-class entitlements.

Frum notes that a close correlation has existed since the 70's between the growing presence of women and blacks in the professions and universities and increased complaints of sexual harassment and racial discrimination, prompting further government activity to eradicate prejudice by modifying social behavior. From this, he leaps to the dubious assumption that growing complaints of prejudice are a by-product of expectations raised by the dismantling of barriers to employment. Yet the causal relation may be somewhat different. Professional and academic positions have been forced open by political fiat; indeed, much of the celebrated rise of a black middle class has depended on racial set-asides, deanships in minority affairs, and other government-mandated forms of compensatory justice. For justifying and expanding this system of preferential treatment, griping has been essential. Predictably, the more such behavior is rewarded, the more the decibel level rises.

Frum's basic argument is nonetheless convincing. Although the 60's did much to aggrandize federal power and energize the civil-rights and antiwar movements, the 70's contributed even more to a new American political culture: Feminism, gay rights, and the expectation that government would accommodate victimized minorities were products of this decade more than of the preceding one. Frum demonstrates this by presenting the views of journalists, politicians, reform activists, and judges associated with that fateful decade. He also stresses the impact of the corrupt presidencies of the 60's and early 70's in fueling the movement for structural reforms, while noting also the ironic effect: Calls for more responsive government led invariably to expanded and less accountable government.

While much of what Frum has to say on this subject is self-evident, the examples he cites are not always persuasive. There is no reason to assume that the party seniority system in Congress or the party caucuses before the emergence of presidential primaries promoted responsive popular government. The weakening of the two-party monopoly on American politics (if that indeed has occurred) may be a happy outgrowth of the forces that have led generally toward judicial-administrative tyranny; it is doubtful that even more monopolistic party organizations would have prevented the flow of power since the 70's to the media, social workers, and practitioners of victimology. The two parties have cooperated happily with the ascending political elite, in return for the right to organize elections and distribute patronage. On one point, though, Frum is undoubtedly right: All of the talk in the 60's and 70's about "openness" prefigured a rush in the opposite direction, toward an arbitrary judiciary, the mendacious politics of Bill Clinton and Janet Reno, and the further destruction of self-government.

One reason for the degradation of democracy in America is the growing public indifference to the government's assaults on a once-free society. Although affirmative-action, sexual-harassment, and other behavior-modification laws have a negative impact on tens of millions of people, none has become a major electoral issue. Polls suggest that fighting discrimination in the workplace is a widely shared national concern, one that many Americans believe the federal government should address. Even assuming the obvious—that most of those who expressed this opinion are liberated women or government-coddled minorities—the question remains: Why is there no equivalent countervailing outcry targeting the government's bullying of white heterosexual males? In the United States and most other Western societies, white males and, more generally, the identifiable cultural majority have either quit protesting their collective humiliation or have been unwilling to make this humiliation a major political issue.

Frum underscores this point as he explains the rapid transformation of the 1964 Civil Rights Act into a springboard for minority quotas. Although prominent congressional sponsors of that act explicitly denied that it could be used to support minority preferences, it "took the federal government all of twenty-four months to rubbish every one of these solemn guarantees." By April 1966, the Department of Health, Education, and Welfare was citing the act to impose integration quotas on Southern schools. By the mid-70's, the Civil Rights Act had been reinterpreted to mandate preferential treatment in education, corporate employment, and civil service not only for blacks but also for women (who are mentioned specifically as a protected category). The same type of preference was steadily extended to other official victims, while the media condemned opposition to this practice as the "politics of bigotry."

But why was there no public outcry against this violation of the rights of nonminorities? And why, almost 30 years later, does the reaction remain so remarkably weak, even after decades of enforced discrimination against whites and males? Although Frum's work does not answer these questions fully, it does shed light on a decade that got us where we are. It also furnishes a compelling brief against the happy talk gratuitously inserted by its author in his conclusion.

Paul Gottfried is a professor of humanities at Elizabethtown College in Pennsylvania, and the author of After Liberalism: Mass Democracy in the Managerial State *(Princeton).*

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Letter From California

by Roger D. McGrath

The *Reconquista* of California

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On February 6, 1998, the Mexican consul general in California, Jose Angel Pescador Osuna, spoke at the Southwestern School of Law in Los Angeles as part of a symposium on the 1848 Treaty of Guadalupe Hidalgo, which gave the Southwest to the United States. Osuna proclaimed, "And even though I am saying this part serious, part joking, I think we are practicing *La Reconquista* in California." It was an astonishing admission for a career diplomat to make. But he was only admitting what has been a policy of the Mexican government for more than three decades: Surplus people are encouraged to immigrate, legally or illegally, to the United States, California in particular, and to maintain their Mexican identity and loyalty.

Ernesto Zedillo, then president of Mexico, admitted as much when he spoke before the National Council of La Raza in Chicago on July 23, 1997. Said Zedillo, "I have proudly proclaimed that the Mexican nation extends beyond the territory enclosed by its borders and that Mexican migrants are an important, a very important part of it."

That the Mexican nation extends beyond the territory enclosed by its borders has been clear to anyone living in Southern California during the past 30 years. The Hispanicization of the population, schools, and culture has been dramatic and stunning. The process was well described by Carlos Loret de Mola in the Mexico City newspaper *Excelsior*. Wrote Mola:

> A peaceful mass of people, hard-working, carries out slowly and patiently an unstoppable invasion, the most important in human history. You cannot give me a similar example of such a large migratory wave by an ant-like multitude. Stubborn, unarmed, and carried on in the face of the most powerful and best-armed nation on earth. The result of this migration is to return the land to the jurisdiction of Mexico without the firing of a single shot.

These are not the words of the hated *gringo* but of a Mexican journalist, a Mexican president, and a Mexican consul general. If an old-stock American had said any of these things, the media would have branded him a paranoid, xenophobic bigot. Am I such, because I take these men at their word? I believe *El Presidente* Ernesto Zedillo was earnest when he proudly proclaimed that the Mexican nation extends beyond the territory enclosed by its borders.

Few people realize that California was only very sparsely populated by Mexicans when it was annexed by the United States, and that most of the Mexicans in California had little or no love for Mexico. The Mexican population of California in 1845—on the eve of the American conquest—was only 7,000. In 1845, San Francisco was a small village called Yerba Buena, containing fewer than 200 souls. Again and again, local Californians ran Mexican governors out of the territory and established a quasi-independent state. Those in the upper class of society called themselves *Californios* and considered themselves Spaniards. They spoke pure Castilian Spanish, sent their sons off to Spain to be educated, and imitated the manners and fashions of the Spanish court. They wanted little to do with Mexico and conspired with the United States for protection should they attempt to establish a fully independent state. Mexico, meanwhile, exercised almost no control over California and had little influence on the people.

Today, 7,000 Mexicans come across the border illegally every month. Nowhere are the effects of this invasion more apparent than in the public schools. Between 1984 and 1997, white enrollment in California's public schools increased by less than 4,000, while Hispanic enrollment increased by more than a million.

The terms "white" and "Hispanic" are commonly used today in school enrollment data as they are in the U.S. Census. When I was growing up in California, all the Mexican-American schoolchildren were classified as white, as indeed many of them were. Most people today use the term "Mexican" to mean "*mestizo*," someone of mixed Spanish and American-Indian descent. This is not entirely misguided: The great majority of Mexicans are *mestizo*, although a substantial minority are of pure or nearly pure Spanish, or other European, ancestry. Social class in Mexico is generally color-coded, with the mostly European Mexicans at the top and the mostly Indian Mexicans at the bottom. The society is highly stratified. In California, Mexicans are all lumped together as Hispanic.

California's largest school district, the Los Angeles Unified School District (LAUSD), is now 70 percent Hispanic. English is a second language in most of the elementary schools. Whites account for only ten percent of the district's students. This is a dramatic reversal of conditions that prevailed until the 1970's. In 1965, for example, whites constituted 60 percent of the district; Hispanics, 16 percent. The raw numbers are shocking: In 1965 there were some 350,000 whites in the district and 100,000 Hispanics; now, there are only 70,000 whites and more than 500,000 Hispanics. The number of white students in the district has thus declined by a factor of five while the number of Hispanic children has increased by a factor of five. That Los Angeles schools should have so many Hispanics is not surprising. Los Angeles has a Mexican population second only to Mexico City.

Many schools in the LAUSD are virtually all-Hispanic. This is true even for the high schools, which tend to be more racially diverse because their attendance areas are much larger than those of the elementary or junior high schools. Garfield, Roosevelt, and South Gate high schools are 99 percent Hispanic; Huntington Park and Bell are 98 percent; San Fernando is 97 percent. Thousands of illegal-immigrant children arrive every year, and thousands more are born to illegal aliens. The influx has forced the district to put nearly half of its elementary schools on a year-round schedule. A quarter of the high schools also operate

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year-round; by 2006, all of the high schools are slated to be year-round.

To say that Los Angeles schools are in a crisis is to understate the case. More than 50 percent of the students are doing failing work at their grade level. Unbeknownst to the general public until recently, the school district has been following a practice of "social promotion" for more than 20 years. Students can fail their course work in any grade and move on to the next grade. Few are held back. In 1999, the school district admitted that the practice of social promotion was the rule rather than the exception.

There has been some public demand for reform. As a result, the school district came up with a plan. Children in grades two and eight would have to perform at grade level or they would not be promoted. The other grades would be phased in over a four-year period. A great hue and cry went up from parents of children in grades two and eight, who claimed that their children were being discriminated against. The parents were right. The school district realized it could not end social promotion for all grades at the same time—that would mean holding back more than half of the students in the district, some 360,000. The logistics and expense of such a move are prohibitive. The school district scrapped the plan almost as soon as it was announced.

The school district moved on to plan two. Students had to pass English, only English, to be promoted from grade to grade. They could fail all of their other subjects, but they had to get at least a D in English. Again, a hue and cry was raised. Two-thirds of the Hispanic students are not fluent in English. Thus far, the policy has not been implemented.

The Stanford 9 test scores reveal a huge disparity between Hispanic and white students. In 1999, white students averaged in the 60th percentile in reading and the 65th percentile in math. Hispanic students averaged in the 20th percentile in reading and the 25th percentile in math. Asian students scored a few points below whites in reading and eight or nine points above them in math. Blacks scored slightly above Hispanics in reading and slightly below them in math.

I graduated from a Los Angeles public high school before the 1965 immigration act and forced busing. We, too, took a standardized test to assess the performance of individual students and the school as a whole. I remember spending part of each day for a week in 1962 taking the Iowa Test. Our principal later proudly announced that our school scored in the 99th percentile. Most Los Angeles public high schools today score below the 30th percentile. Several are in the single digits. If a school scores above the 50th percentile, it is cause for district-wide celebration.

In the early 1960's, my high school was virtually all white. We did not think much of it because our neighborhood was virtually all white. Schools simply reflected the demographics of the neighborhood, and whites tended to live in white neighborhoods; Hispanics, in Hispanic neighborhoods; blacks, in black neighborhoods; and Asians, in Asian neighborhoods. There were even two distinctly Jewish high schools and several high schools that had an Okie-Arkie-Texan flavor, where most of the students were the children of Dust Bowl migrants. Left to their own devices, people tend to segregate themselves. Los Angeles was a clear example.

At least half or more—the exact number is unknown because the school district is unconcerned with legal status—of the Hispanics in the Los Angeles public schools today are illegal aliens or the children of illegal immigrants. This amounts to at least 250,000 students. The average expenditure per student in the state of California is about $6,000 per year. In Los Angeles, the cost is $10,500 per student, thanks in part to the large number of students who are taught in Spanish. The Los Angeles Unified School District is spending more than two billion dollars a year on these children. What do we have to show for this? A school system where 55 percent of the students are doing failing work at their grade level. Meanwhile, the mayor of Los Angeles, Richard Riordan, inanely chants the mantra, "Diversity is our strength." If only George Orwell were alive to hear that.

The school problem is only going to get worse. More than 100,000 children are born to illegal immigrants each year in California, and most of those illegal immigrants are Mexicans. As with public education, the births are at taxpayers' expense. Various studies estimate that at least 60 percent of all births at county hospitals are to illegal immigrants. In Los Angeles County alone, this costs nearly $200 million per year. As soon as the child is born, he is an American citizen, making the family eligible for Aid to Families with Dependent Children. I don't know how many hundreds of millions of dollars this costs the American taxpayer, but I am certain that even Sen. Everett Dirksen would have considered it real money.

The state of California recently sweetened the birthing package. The Mexican lobby thought that pregnant illegal aliens should have free medical care. Dutifully, state Assemblyman Gilbert Cedano introduced a bill providing for free prenatal care. Against some opposition, the bill made its way through both houses and was signed by Governor Gray Davis. Illegal aliens now get free prenatal care to go along with free births.

Illegal immigrants also use the emergency room for basic medical care. Not too long ago, I had a personal experience with the routine. My daughter had split her eyebrow open in an accident, and my wife and I rushed her to our local hospital. Although our community is not more than eight percent Hispanic, a third or more in the emergency room were clearly recent arrivals from south of the border. They were *mestizo* or Indian in appearance and speaking only Spanish. While my wife held an ice pack on my daughter's eyebrow, I filled out a stack of insurance forms for the hospital and watched illegal alien after illegal alien go ahead of us. Moreover, most of them seemed to be there for problems that were not of an emergency nature.

Controlling my temper, I asked one of the nurses what was going on. She looked at me sympathetically, nodded in the direction of the illegals and, with a hint of disgust in her voice, said, "If they don't pay, the county and the state cover our expenses. If you don't pay, we're stuck with it." Illegal alien to the front of the line; American citizen to the rear.

The cost of medical care for illegal immigrants exceeds one billion dollars a year in California. Their education costs more than three billion dollars. Taxes paid by illegal aliens cover only a small fraction of this. A 1992 study by Los Angeles County concluded that American citizens in the county pay $7,000 per capita each year in taxes; illegal immigrants pay only $500. A National Research Council study in 1997 found that Mexican immigrants receive $3,400 more in benefits than they pay in taxes. On the other hand, the study found that immigrants from Europe and Canada pay $126 more in taxes than they receive in benefits. The study concluded that each California household pays nearly $1,200 more in taxes each year to support

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Mexican immigrants. When you look around at so-called cheap Mexican labor, remember that your tax money is paying for it.

Another increasing cost is crime. Although most Mexican immigrants come here to work, not to engage in illegal activities, there has been an ominous trend toward criminality since the early 1990's. Hispanic gangs in Los Angeles used to be homegrown. Now, several of them have large numbers of illegal aliens as members. The notorious 18th Street gang is the largest and most violent in Los Angeles. The California Department of Justice, in a special report, estimated that 50 to 60 percent of the members of the gang are illegal aliens. The gang has been responsible for dozens of murders over the past several years. In fact, Hispanic gangs have been responsible for far more murders in Los Angeles County during the last two decades than have black gangs, including the infamous Bloods and Crips. Between 1978 and 1995, there were nearly 7,300 gang killings in Los Angeles County. Hispanic gang members accounted for 59 percent of them; black gang members, for 37 percent. Whites accounted for only one percent.

One would think that criminal illegal aliens could be quickly identified and deported, but not in Los Angeles. In 1983, the Los Angeles City Council mandated that the LAPD prohibit its officers from questioning anyone arrested about their immigration status. The LAPD was not happy with the mandate but issued Special Order 40, under which an officer may continue to ask those arrested about everything under the sun—except for their immigration status.

The Los Angeles Police Commission, a watchdog body, supported the policy. One of the members of the police commission was Edith Perez, who is also a member of the board of directors of MALDEF, the Mexican American Legal Defense and Education Fund. The name of the organization makes it sound rather innocuous. Nothing could be further from the truth. The cofounder of MALDEF is Mario Obledo. In a live television interview, Obledo declared, "California is going to become a Hispanic state and if you don't like it you should leave." If the police commission is influenced by MALDEF, then it's not surprising that the LAPD was pressured into not cooperating with the INS.

Los Angeles District Attorney Gil Garcetti, himself the son of Mexican immigrants, issued a legal opinion that the LAPD has no obligation to cooperate with the INS. Whether the opinion was a reflection of favoritism for Mexicans or just another in a long list of Garcetti's blunders is difficult to ascertain. After all, it was Garcetti who allowed the O.J. Simpson trial to be moved from Santa Monica to downtown Los Angeles, thus assuring a Simpson-friendly jury, and it was Garcetti who gave us the embarrassingly weak Simpson prosecutors.

On October 4, 1999, the U.S. Supreme Court declined to hear an appeal of a landmark decision by the Tenth Circuit Court of Appeals. The Tenth Circuit had confirmed that state and local police are free to arrest persons solely for being in the country illegally. Now is the time to revoke Special Order 40. Thus far, neither Police Chief Bernard Parks nor District Attorney Garcetti has taken any action.

On April 12, the city council did entertain the issue, allowing Los Angeles residents to address the council—but only for a total of ten minutes. Taking most of the time, and supporting Special Order 40, were representatives from MALDEF and the National Lawyers Guild. Cut off in the middle of his comments was Glenn Spencer, the leader of the American Patrol, a grassroots organization based in the San Fernando Valley and strongly opposed to illegal immigration. A dynamic speaker and energetic worker, Spencer has produced two documentary videos on illegal immigration and has a weekly radio program on KIEV (870 AM). Threats on his life and other attempts at intimidation only seem to invigorate him. His remarks before the city council were on target as usual, which is probably why he was cut short. The council then quickly voted to continue to support Special Order 40.

Despite Special Order 40, so many Mexicans have been arrested for crimes other than illegally entering California that the jails and the courts are near the breaking point. At the Pitchess Detention Center in Castaic, racial battles between Mexican and black inmates are common. Since 1991, there have been 150 such brawls. Three days of fighting at the end of April left 80 inmates, mostly black, injured. Mexicans now outnumber blacks in the lockup two-to-one; and many blacks have demanded that they be segregated. Inside and outside of jail, Mexicans refer to blacks as *mayatés*—black flies found on excrement. Jesse Jackson's rainbow coalition has a long way to go.

Ventura County has taken a different approach from that of its neighbor, Los Angeles. In 1996, the Ventura County sheriff's department, with the cooperation of Republican Congressman Elton Gallegly, initiated an experimental program to identify illegal aliens in the county jail. Twice a week, INS agents conduct inmate interviews. Of the inmates interviewed during 1997, 65 percent (847) were illegal aliens, nearly all from Mexico. Their crimes? Murder, rape, robbery, drug trafficking, burglary.

One of the Mexican illegal aliens snared in the pilot program at the Ventura County jail was a serial rapist. He had been in custody before, but he had never been identified as an illegal immigrant. He had served time for previous offenses and had been released, but not deported. A half-dozen women paid dearly for this failure. His story is not unique. With the border so permeable, however, deportation is only a temporary fix. Since 1995, some 32,000 criminal aliens in California have been deported; 12,000 of them have returned to commit new crimes.

Two towns in Ventura County, Thousand Oaks and Simi Valley, compete each year for the distinction of being the most crime-free city of more than 100,000 residents in the United States. Each has won the title several times during the past decade. Both cities are more than 80 percent white, about ten percent Hispanic, one percent black, and five or six percent Asian. In both cities, Hispanics commit a disproportionate amount of crime, usually robbery, burglary, assault, and rape. Occasionally, they murder. In Thousand Oaks, such an act still shocks citizens. There are many years in which Thousand Oaks experiences no murders.

That is why the city was stunned when, on November 29, 1999, Ram Gonzales stabbed to death David Smith. It was the city's second murder of the year, an epidemic by Thousand Oaks' standards. The first murder occurred five months earlier and was committed by another Gonzalez, Jesus Gonzalez, who stabbed to death still another Gonzales, Antonio Gonzales. Ram, Jesus, and Antonio are not related, but they are all Mexican immigrants.

For almost the first four months of 2000, there were no murders in Thousand Oaks. "America's Safest City" was back on track. Then on the night of Friday, April 28th, two cars pulled up to the

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sidewalk where Edgar Cruz and Andres Morales stood talking. Gunfire erupted, and Cruz and Morales crumpled to the ground. Cruz died on the spot; Morales survived. Cruz's uncle, Pedro Caballero Cruz, said he would return his nephew's body to their hometown, Hidalgo, Mexico, for burial. On Sunday, gunfire erupted again when bullets from a speeding car were sent in the direction of mourners on their way to a memorial service for Cruz.

Ten men have been arrested in connection with the murder and the shooting. Police say the violence is the result of a rivalry between a gang of Mexican immigrants and a gang of Salvadoran immigrants. Diversity evidently has not strengthened the Hispanic community.

The communities that have been affected most severely by the Mexican invasion are not the far-flung middle- and upper-middle-class suburbs of Los Angeles, such as Thousand Oaks, but the middle- and lower-middle-class white areas of the San Fernando Valley and the central core of Los Angeles. Ironically, black South-Central Los Angeles has been particularly hard hit. Blacks in South-Central are voicing their complaints in a manner that whites would never dare for fear of being branded racist, xenophobic, or bigoted. Terry Anderson is a black auto mechanic who has lived nearly all his life near the Coliseum in South-Central Los Angeles. He managed to get an editorial published in the *Los Angeles Times* voicing his concerns over Mexican immigration. If he had been a white auto mechanic, I doubt that the *Times* would have printed his views.

Wrote Terry Anderson in part:

> Today, teenagers can't get after-school or entry-level jobs—something to put on a resume. When I was 16 and 17, I had jobs at McDonald's, Burger King, Jack in the Box. Now these jobs in L.A. are held by 30- or 40-year-old immigrants—100 percent Spanish-speaking and probably 90 percent from Mexico.
>
> We have schools here that used to be 80 percent to 90 percent black and now, after a period of 10 years, are 80 percent to 90 percent Latino. As this trend spreads, blacks either can move to other neighborhoods or watch their children stuck in schools listening to Spanish all day. Yet nobody speaks up for our children the way the pro-immigrant organizations do for immigrant children. As a result, our children are getting the equivalent of half a day of school. Why should our children be deprived?
>
> My two-bedroom house near the Coliseum is worth about $100,000. A comparable house two doors away sold for $135,000 and the buyers put five immigrant families in it. A black family can't pay that and can't live like that. In the American culture, we have one family to a house. Each of my immigrant neighbors has seven or eight children, while we Americans have two or three. Before long, all these children are going to need a place of their own. Does a black homeowner have to put four families in the house and a fifth in the garage in order to survive? A for-sale sign in our neighborhood causes panic. We know who will get the house. There will be 20 to 30 people living in it, they will keep goats, they will grow corn in the front yard, they will hang their wash on the front fence. It's a culture clash.

An identical process has been going on in lower-middle-class white neighborhoods in the San Fernando Valley. In 1960, the San Fernando Valley was nearly 95 percent white. Today, it is only 60 percent white and the majority of public-school children are Hispanic. Neighborhood after neighborhood of blue-collar whites has been destroyed in exactly the manner described by Terry Anderson.

Some may argue that these demographic changes are nothing new in America, that this process has gone on with every new immigrant group—Irish, Germans, Jews, Poles, Italians. To some degree, the argument is true. However, those groups came into the country legally, and an individual immigrant could be denied entry for a whole host of reasons. Moreover, there was no taxpayer-supported welfare system to greet them. Most importantly, they were not here to extend the boundaries of their mother country into the United States.

The majority of Mexicans who have come into the United States during the last 30 years have come in illegally. Exactly how many we do not know, but estimates put the number at upward of ten million. Half of those reside in California. In 1986, Congress granted amnesty to most illegals, declaring that major reform would be instituted to stop future illegal immigration. Yet nothing much has been done. Now, another amnesty is being suggested. Unlike the 1986 amnesty, this one is supported by the AFL-CIO, which believes that illegal aliens are organized labor's secret weapon to replenish its depleted ranks. Big business also favors amnesty and tacitly approves of illegal immigration. Cheap labor is hard to beat, especially when the taxpayer picks up the tab. Meanwhile, the vast majority of the American people in poll after poll has not only voiced its opposition to amnesty but called for deportations and an increased border presence by immigration agents.

In 1994, Californians passed Proposition 187 by a vote of 60 percent to 40 percent. The proposition would have expelled illegal aliens from public schools and cut off all government benefits (except emergency medical treatment) for illegal immigrants. Even a substantial number of Hispanics (27 percent according to exit polls) voted for it. I suspect that these were the old Mexican-American families of California, known for their social conservatism and patriotism, who have seen their jobs taken and their neighborhoods devastated, and have been embarrassed by the Mexican nationalism of illegal aliens.

Pro-illegal immigrant groups immediately sought to overturn the will of the voters. State legislator Art Torres, addressing a group of Hispanic organizations assembled at the University of California, Riverside, said, "Power is not given to you, you have to take it. Remember Proposition 187 is the last gasp of white America." Subsequently, the pro-illegal groups tied up the proposition in the courts by challenging its constitutionality before a sympathetic judge, Mariana Pfaelzer. Then the new governor of California, Gray Davis, cut a deal with the activist groups, agreeing not to take the case to the U.S. Supreme Court. This was all done against the will of the people of California. Since then, Supreme Court decisions suggest that Proposition 187 would have passed constitutional muster.

The most disturbing aspect of Mexican illegals is their Mexican nationalism. A graphic demonstration of this occurred in the Los Angeles Coliseum in February 1998, when the U.S. national soccer team played Mexico. There were 91,000

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fans in attendance. The U.S. players naively assumed that they were the home team. Their education commenced when the huge crowd began waving Mexican flags, then whistled, blew horns, and booed when the American national anthem was played but cheered wildly during the playing of the Mexican national anthem. Then things got worse: When a group of U.S. fans raised an American flag, they were pelted with fruit, bottles of water, and beer cups filled with urine. "Something's wrong when I can't raise an American flag in my own country," exclaimed Paul Stewart, ducking as a lemon whistled past his head. Stewart, an artist for Disney and the father of three young children, was an obvious target. Tall, blond, blue-eyed, and freckled-faced, he might as well have had an x-ring painted on his chest.

The American players received the same treatment. Some suffered injuries. U.S. player Kasey Keller remarked, "I would have no problem with Mexican-Americans who wanted to support the U.S. team. After all, you live in America. Why don't you become American?" Soccer mom Pat Orland, who brought her son to the game, couldn't believe what she saw, exclaiming, "It's very strange. It feels like I'm in a foreign country."

If anyone tries to argue that the incident at the Coliseum was only an example of unruly soccer fans, I would respond that the Hispanics in the crowd were uniformly unruly in favor of the Mexican team. And I would remind them that the Coliseum is smack-dab in the center of Los Angeles, well within the borders of the good old U.S.A. Moreover, manifestations of Mexican nationalism are not confined to sports. Hispanic organizations in California espouse Mexican nationalism unapologetically. MEChA, a very popular organization among Hispanics on college campuses, calls for the creation of the nation of Aztlan, which would return the Southwest to Mexico. Charles Truxillo, a professor of Chicano studies at the University of New Mexico, calls the creation of Aztlan or "*Republica del Norte*" an inevitability. He says its capital would be Los Angeles. He has further stated that the creation of such a state should be brought about "by any means necessary."

Activist Joe Sanchez declared, "We may not overcome but we will overwhelm." Ricky Sierra, at a rally held by the One Stop Immigration organization, said, "We are here united and we're recolonizing America so they're afraid of us—they're very afraid. It's time to take back what is ours." At the same rally, the leader of One Stop Immigration, Juan Jose Gutierrez, was videotaped talking, gesturing, and moving about while the American national anthem was played. He then stood at attention, placed one hand over his heart, and raised his other hand in a clenched-fist salute when the Mexican national anthem was played.

At a demonstration in Westwood, Christopher Cebeda was videotaped leading several organizations in the chant, "Mexicans, Yes! Immigration agents, No!" He then declared, "We are here in Westwood to show white Anglo-Saxon-Protestant L.A.—the few of you who remain—that we're the majority and we claim this land as ours. It's always been ours and we're still here—and none of this talk about deporting. If anybody is going to be deported it's going to be you."

How do politicians in California react to this? Republicans are struck dumb by their fear of being branded racists and their delusional hopes of winning the Hispanic vote. Democrats actively support illegal immigration, knowing that their electoral base is being expanded. Hilda Solis, a California state senator, told the Southwest Voter Registration Project that Mexicans in California are Americans whether they are here legally or not, thus implying that they should be registering and voting. Antonio Villaraigosa, the speaker of the California Assembly, has called for the state to issue driver's licenses to illegal aliens. State Senator Joe Baca has introduced a bill that would make *Cinco de Mayo* and Mexican Independence Day official state holidays. Assemblyman Gil Cedillo has introduced a bill that would outlaw all sanctions or discrimination against illegal aliens. Lieutenant Governor Cruz Bustamante has demanded full medical benefits for illegals. His boss, Governor Davis, declared, "In the near future people will look at California and Mexico as one magnificent region."

One magnificent region! Well, one region, anyway.

A nation has the right to defend its borders, and a people have the right to defend their culture and identity. Isn't this the very essence of nationhood—of sovereignty? When I was growing up, I thought of America as something like one's mother—to be loved, respected, honored, and protected. Now America is up for grabs—to be used, trampled, defiled, invaded.

I think of the 28th Marines clawing their way up Mt. Suribachi in the face of murderous fire—and I think of all the American boys on all the hills and on all the shores who fought and died to protect our homeland—and I pray, "Let not their sacrifice be in vain."

Roger D. McGrath is the author of Gunfighters, Highwaymen, and Vigilantes.

Letter From Forte Dei Marmi

by Andrei Navrozov

Culture for the People

◆

The photographs were commissioned by a music company for the cover of Andrea Bocelli's next cult album. The last one had sold five million copies. We were visiting the popular tenor at his house in the resort of Forte dei Marmi, and decided to spend a few days at one of the town's innumerable beach hotels, all equally deserted as the starting gun of the Roman holiday stampede had not yet been fired. As he Nikoned away at his subject with a lens the size of a hog's head ("Cheeky eyes!" he almost demanded at one point, before remembering that the singer is indeed blind), my friend Gusov kept hissing to himself in Russian a 1960's hooligan ditty:

Culture for the people,
A store where you shop for free!

I thought that in the circumstances this, too, was a bit tactless, but all the same we had a great big elitist cackle about it afterward.

And then the long journey back to Venice on a hot, muggy summer day. I was beginning to feel irritable. Time seemed to stand still, like the hour and minute hands in magazine advertisements for wristwatches, which, Patek Philippe or Wizard of Oz, are always showing either ten minutes after ten or ten to two. The idea behind this universal convention is that the moment is

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uniquely flattering to the beauty of the watch face, with which the hands are then in perfect harmony, and one may well ask why anybody needs to have any sort of movement inside in the first place, if this is the way time is supposed to look.

This is a political question, more subversive, in fact, than the question of whether the next president of the United States is an onanist, whether the incumbent is a perjurer and a rapist, or whether the Constitution should be quickly rewritten by the faculty of the Yale Law School. If I had the technical and financial means to bring it to the attention of the American people that George Bush, like his father, began his adult life with a ritual sacrifice of Christian dignity to opportunistic careerism, I am convinced that little Dubya would not get to be president. By contrast, a simple convention, such as that upon which the commercial success of a blind tenor, or of a Swiss chronometer, is hinged, is practically unchallengeable, based as it is on centuries of cultural conditioning, ethical as well as aesthetic.

Consider for a moment the convention of the ordinary mirror. When a woman inspects herself in a glass, she wishes to see herself as others would see her, and only a psychologically insensible observer will tell you that her expectation or purpose are any different. And yet it ought to be perfectly plain to the woman that her wish is 100 percent unattainable, that what the glass is reflecting is how she sees herself, that and that alone. Why bother with mirrors then? And yet they are ineradicable, as much part of the *mise en scene* of our civilization as time and language, music and painting, oil and wine.

In Florence I had to change trains again, and as the Eurostar on which I had a reservation was simply not there, I had to choose whether to kill time chatting to prostitutes outside the station or looking at postcards displayed in the kiosks. The postcards were all of Michelangelo's *David*. I counted 14 slightly different versions. By a strange coincidence, when I finally did board the train, there was on my seat a copy of the *Times*, left there by some absentminded Englishman, with a front-page photograph of the Florentine landmark. "Michelangelo's David," read the caption: "The squint means the eyes look beautiful on both profiles."

The story was that a Stanford University research team, having laser-scanned the head of the marble sculpture, determined that Michelangelo's hero is cross-eyed, apparently "on purpose, because it provided good profiles of David when seen from either side." Naturally, as the sculpture is gigantic, nobody had ever noticed this before, and in my growing irritation I had to ask the obvious, tactless, Russian question, namely, if realism was the confessed aim of the Renaissance, how come they made their sharpshooter cross-eyed? And what gave them the idea to make their David the size of Goliath?

Culture for the people,
A store where you shop for free!

I have already written here, during what I now recall as my years of Florentine captivity, about the parallels between the Renaissance of the Medici and the socialist realism of my native land's recent past. The theme is a vast one, and while its chilling depths hold an attraction for me that is almost hypnotic, what might have remained a private obsession has been dilated and rendered objective by readings in such intellectually disciplined prophets of the universal totalitarian tomorrow as Vasily Rozanov and Pavel Florensky.

I cannot describe Rozanov as the greatest writer Russia has ever produced because, as he himself once wrote, to speak of a writer's stature is as idiotic as to compare Joan of Arc with a railroad. Suffice it to say that I believe that Rozanov is to the 21st century what Dostoyevsky has been to the 20th, while Father Florensky, who incidentally administered his philosopher friend's last rites at his death from cold and hunger in 1919, may be described as that balancing intellectual force of counterreformation that the West has been wanting so pitifully since at least the invention of movable type. No Modern Convention, no Liberal Premise, no Child of Enlightenment are safe, thank goodness, so long as a single page of their writings remains unincinerated and unsuppressed.

Take Darwin, for a more or less relevant example. "Darwin never noticed," wrote Rozanov,

> that in nature the eyes glisten. He has depicted nature as opaque, with extinguished, dead eyes . . . He has created filth, not zoology. And the filthy epoch has bowed to his filth: "We don't need music, we've got the gramophone." Such is Darwinism.
>
> "The mouth is for eating." Fine, wonderful. But all you need for that is an orifice through which "food is introduced." Instead, the mouth is not an orifice, but—a mouth. "A lovely mouth." Perhaps, as I think, for kissing? No? Why not? It is uniquely human that the mouth should be so beautiful, which is why no other animal likes to kiss. While the one whose love begins with a kiss has been given a uniquely beautiful mouth.

The reader can confirm for himself the truth of Rozanov's sentiments by gazing for half an hour, as I did on that train spiriting me away from the cradle of Western humanism, into the dead eyes of Michelangelo's *David*, those vacant half-globes of marble with holes at their centers that are meant to look, from a great distance and only to a spectator positioned in front of the Palazzo Vecchio, like the Biblical hero's pupils. If Darwin were God, all men would look like Michelangelo's *David* from a great distance.

Uncovering the actual roots of Renaissance art in the theater design of ancient Greece and of the Roman *graeculorum*, Florensky analyzed both its illusionist, pyrotechnic, crowd-pleasing aims and its assumption of a captive and immobile, almost paralyzed audience with similar mercilessness:

> The pathos of the modern man is in ridding himself of all reality, whereupon his naked "I want" would legislate over a new reality entirely of his own construction, phantasmagoric though clearly expressible on graph paper. The pathos of the ancient as well as the medieval man is, to the contrary, in the grateful acceptance of every reality, for all being is goodness and all goodness—being. The pathos of the medieval man is in the affirmation of the reality within and without him; hence objectivity. While modern subjectivism invites illusionism, nothing could be further away from the intentions and thoughts of the man of the Middle Ages than creation of appearances and life among fictions.

I want to end this with a kind of *dimin-*

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uendo flourish, which seems apt and more than a little funny. My friend Gusov rang up a few weeks ago, to report that he had spoken with a woman from the recording company. "I asked them what they thought of the Bocelli photos," he said, already chuckling in anticipation. "'He is delighted!' the woman said. I said, 'How do you mean, *he* is delighted? . . . I mean, he is . . . ' 'Well,' said the woman, 'you know what I mean. His manager is delighted.'" And then, again, hissing into the phone, that *leitmotif* of our Forte dei Marmi days:

Culture for the people,
A store where you shop for free!

Andrei Navrozov is Chronicles' *European correspondent.*

Letter From Maryland

by Joyce Bennett

The Andersonville of the North

◆

After the Battle of Gettysburg, a prison camp was established in occupied Maryland on a low peninsula lapped by the waters of the Potomac River and Chesapeake Bay. All told, 52,000 people—Confederate soldiers, Maryland and Virginia civilians, blockade runners, and spies—passed through the portals of the "Andersonville of the North." In 1910, because erosion threatened Confederate cemeteries near Tanner Creek north of what had been the prison compound, the prisoners' remains were moved up the peninsula to a patch of land owned by the federal government near Scotland, Maryland. There, a monument marking the Confederate graves was erected by federal officials. A little girl who lived at Scotland Beach passed the new national cemetery on her way to and from school and witnessed this re-interment. Many years later, she described to her grandson, Donald Hammett, now a veteran ranger at Point Lookout State Park, what she had seen: wagons heaped with the bones and skulls of the fallen Confederates and the mounds of excavated earth. To this day, according to Ranger Hammett, fragments of human remains are found in the vicinity of the prison camp's burial grounds. Although the federal government claims that approximately 3,500 perished, the number of men who died at Point Lookout is unknown. The hypothesis that the death rate was high—perhaps 25 percent—because President Lincoln had hardened his heart to the plight of the Confederates in his custody is worth investigating, not with an eye toward a "balanced" picture of how prisoners were treated by the North and the South or to present "both sides of the story," but simply to discover the truth about what happened at Point Lookout.

In the meantime, the living must remember the men who suffered there. For the last two years, I have participated in the Point Lookout Prisoners of War (PLPOW) Organization's annual pilgrimage to Point Lookout. Unfortunately, a sour note was sounded as last year's Saturday morning program was getting under way. As Robin Pohlman of the Veterans Administration stepped to the lectern to speak, someone shouted, "Where's our flag?" The PLPOW descendants, angry over the VA's recent decision to take down the Confederate Battle Flag at the cemetery, were unmoved by Mrs. Pohlman's response that they were gathered not to honor emblems but the men who had died at Point Lookout. Tired of the crumbs thrown by bland bureaucrats, they greeted with silence her announcements that the VA had documented a few more deaths at the prison camp and that the cemetery's wrought-iron fence would soon be painted.

Following Mrs. Pohlman, Patricia Bradley Buck, founder and president of the PLPOW Organization, stepped to the microphone and shared with us some information challenging the federal government's arithmetic. She had discovered the writings of Dr. Joseph Jones, a civilian who had been captured by Union troops at Isle of Wight, Virginia, and sent to Point Lookout, where he was put to work at Hammond Hospital. Dr. Jones estimated that 8,000 died during the time he spent there. Patricia Buck also has in her possession Pvt. James Spicer's firsthand account of the conditions at the camp. Pvt. Spicer, who was with the 7th Virginia Infantry, Company K, wrote that looking through a knothole in the stockade fence, he saw "acres of coffins stacked one on the other." Finally, we learned that the contractor who had exhumed and moved the prisoners' remains in 1910 had calculated that over 10,000 had succumbed to the hardships of the prison camp. Mrs. Buck ended her speech by imploring the Veterans Administration to restore the battle flag and to acknowledge the number of Confederates who had died while in the care of a government flush with resources—the same government that could have alleviated the suffering of both Yankees and Confederates by agreeing to the prisoner exchanges repeatedly proposed by the South.

Patricia Buck's address and an *a cappella* rendition of "Dixie" performed by Carolyn Billups of the United Daughters of the Confederacy's Colonel Richard Thomas Zarvona Chapter were the highlights of the morning. After wreaths were placed at the base of the monument and the colors were retired, we left the cemetery and drove down to the exhibit area near the site of the prison camp. Representing the local historical society, I had earlier in the day set up a table decorated with black-eyed susans, miniature Confederate, Maryland, and Virginia flags, and a Troilani print depicting a Second Maryland CSA Infantry rifleman. During the morning and afternoon, PLPOW descendants from all over the South stopped by to see me and to talk about the war. Having manned a table the previous year, I was prepared for the occasional unkind remark concerning my home state. One man, sure enough, leaning down to inspect the print, said to his companion, "Look—a Northerner fighting for the South."

As the day grew warmer and the sheep flies were biting, my thoughts turned to the prisoners eaten alive by insects from early May to late October. I also considered the winter months that the men endured without adequate firewood and provisions. While Point Lookout is hot and humid in the summer, its winters can be bitter cold, as salt-water-laden winds blow from the Potomac to the Chesapeake. On a frosty morning, it was not unusual to find prisoners who had frozen to death during the night, even though abundant Yankee blankets and surplus uniforms were stored in ships just offshore. The hours from dusk to dawn were perilous at Point Lookout. Guards entertained themselves by firing into Sibley tents filled with sleeping men. Those who survived the cold and the sport of the guards faced starvation, in spite of the efforts of local people such as the legendary

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Pig Man Brewer, who earned his nickname by pretending to slop hogs near the stockade. When no one was looking, he would throw scraps of food to the hungry prisoners. Others tried to supply the men with country hams, but the Yankees confiscated those delicacies. A gentleman in Florida wrote to me that his grandfather, after his stay at Point Lookout, was so emaciated he could encircle his upper arm with his middle finger and thumb. Another prisoner, a Marylander, was so desperate to escape the camp that he hid beneath a pile of corpses on an outbound cart.

Saddened that such a place is associated with my native soil, I was nevertheless proud to have taken part in the descendants' pilgrimage. But as I packed up later in the afternoon, I found myself looking ahead to November, when Point Lookout would be all but deserted, and I would drive back down to pay my respects at the small marble memorial next to the federal obelisk. Financed by the proceeds of jousting tournaments and socials, and originally located at the Tanner Creek burial grounds, the memorial was erected in post-Reconstruction Maryland to honor the men who died at Point Lookout. The words cut into the monument's north face, "*Dulce et decorum est pro patria mori*," will remind a forgetful world of their last full measure of devotion, no matter which flag flies over the bones of these honored dead.

Joyce Bennett writes from Leonardtown, Maryland.

Letter From Canada

by Sean Scallon

CRAP Happens

◆

My summer vacation along Lake Superior's western shore into Canada took place just before the anniversary of a milestone, although it was marked by no celebrations or remembrances, and nobody I saw on my quick stay in Thunder Bay showed any sign of acknowledging it. The anniversary was not the subject of conversation in the lounge of the Valhalla Hotel, but the effects of what happened on June 23, 1990, are by now deeply etched into the Canadian soil and psyche. For on that day, the Meech Lake Accord died.

As a gift to his supporters in Quebec, Progressive Conservative Prime Minister Brian Mulroney negotiated a constitutional deal with the ten provincial premiers that redefined the federal relationship between Ottawa and the rest of Canada, specifically with the old New France colony. Such deal-cutting was a time-honored tradition in Canadian politics. This one would have largely undone the work of former Liberal Prime Minister Pierre Trudeau, who in 1982 had added a Bill of Rights-style Charter of Rights and Freedoms to the old British-style constitution, creating the multicultural Canada he sought over the opposition of many Quebecers.

The premiers and the prime minister, a.k.a. "the 11 men in suits," arrived in limousines at a resort on Meech Lake in Quebec's Gatineau hills. They forged an agreement that only a zealous centralist could oppose. The Meech Lake Accord granted Quebec control over immigration, and the other provinces could negotiate for the same power; Quebec's three judges on the nine-member Supreme Court would become a permanent constitutional fixture; the central government would compensate any province that opted out of future national programs in areas of provincial jurisdiction; and any further constitutional reforms would have to receive the unanimous consent of both Ottawa and the provinces. That's devolution. Can you imagine any American president negotiating this kind of deal with the states?

If Meech Lake consisted of only the items mentioned above, it would have been approved quickly, and Canada would still be out of sight and out of mind. But there was just one sticking point: French Quebec insisted on being called a "distinct society." While most believed that this language was symbolic, Quebec Premier Robert Bourassa claimed that it would change the way the constitution would be interpreted in Quebec's courts. But English Canadians objected to what appeared to be an attempt by Quebec to obtain special status for its citizens.

"Distinct society" was a phrase strong enough to defeat the Meech Lake proposal. It was the sore thumb, a red cape to the English Canadian bull, unleashing an ugly wave of anti-Quebec, anti-French, and, inevitably and subtly, anti-Catholic feeling among the Anglo-Protestant Canadians. Can you imagine a similar reaction if Hispanic legislators from California or New Mexico declared their states or populations to be a distinct society?

For years, the onslaught of American culture and Third World immigration has weakened the Anglo-Canadian identity. If Canadians are simply Americans who don't know any better, then what is the purpose of their nation? What is the meaning of being a Canadian? Why would a Canadian rock group, The Guess Who, sing "American woman—stay away from me"? And why should Canada try to keep Quebec in the federation?

Since Quebecers could be a distinct society, other ethnic groups in Canada decided that they wanted to be recognized as distinct societies—especially the Cree Indians. The Meech Lake Accord had been passed in every provincial legislature but Manitoba. (Newfoundland later rescinded its approval.) A Cree Indian deputy named Elijah Harper opposed Meech Lake for its lack of attention to the nation's indigenous population. Day after day, he refused to give the unanimous consent necessary to allow the introduction of the accord into the legislature, sometimes by lifting a single eagle feather. The deadline for passage came and went: Meech Lake is dead; long live Meech Lake.

The political repercussions were profound: The ruling Progressive Conserva-

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tive Party was torn asunder; Westerners abandoned the Conservatives to join what was then a fringe Western party called Reform, quickly making it Canada's second-largest federal party. All ten of the premiers who signed Meech Lake are now out of politics. When Mulroney proposed revisions to the accord to help get it passed, Lucien Bouchard, an environmental minister in his government, bolted and formed the separatist Bloc Quebecois. They were joined by pro-Meech Liberal Quebecers after party leader and former Prime Minister John Turner was defeated by anti-Meech Liberals led by Trudeau (who came out of retirement to denounce the accord) and his protégé, Jean Chrétien, who won the Liberal leadership battle the very day Meech Lake died, eventually becoming prime minister himself.

"I did what I had to," Mulroney told *Maclean's*. Besides forging a deal that fractured the country, the Progressive Conservatives bankrupted the treasury with their profligate ways, eventually removing themselves to their Atlantic provincial redoubts. Many Quebecers who were not inclined toward independence closed ranks behind the Bloc Quebecois, feeling they had enough of Anglo double crosses and abuse. Thanks to Meech Lake, Quebec came within a hairsbreadth of taking its place among the nations of the world in a referendum on secession in 1995.

The Liberals dominated Canadian politics in the 1990's not because anyone particularly liked their policies or the gaffe-prone and hideous Chrétien, but because the opposition fragmented along regional lines: Reform in the West, the Progressive Conservatives in the far East, and the Bloc Quebecois in you-know-where. The situation was so bad that the Bloc was actually the official opposition party after Chrétien's first election victory in 1993. Such a vacuum could not last.

Meech Lake was the end of an era. The implosion of the Tories meant the collapse of Canada's British-style politics. Vulnerable to all the trends and fads that come across the border, Canadian politics is increasingly Americanized. No longer do Canadians march to church basements to listen to politicians speak. Everything now depends on television. The parties employ American consultants (John McCain's guru, Mike Murphy, works for Ontario's Conservatives) and are almost mirror images of those across the border. The New Democratic Party is Canada's Greens; the Liberals, the Democrats; the Bloc Quebecois is a separatist party with no counterpart in the United States; and the discredited Progressive Conservatives, led by former Prime Minister Joe Clark, flop like dying fish on a Newfoundland beach.

Mulroney may have destroyed the Progressive Conservatives, but he did incubate their successors. Clearing away the Tory deadwood were the (gasp!) neoconservatives. Those youngsters (David Frum, for example), who grew up during the 1980's and took seriously everything that Mulroney, Ronald Reagan, and Margaret Thatcher had to say, have risen to power. They are the brains behind the new opposition party, the Canadian-Reform Alliance Party, or CRAP. Since the Reform Party could never break out of its Western stronghold, it merged with the neocons running the Ontario government of Premier Mike Harris.

CRAP aims to become the Republican Party of Canada. The old Reform Party was very much like the old GOP: anti-tax, Western in outlook, pro-development of natural resources, pro-gun, pro-death penalty, pro-family values, pro-decentralization. Now that the neocons are joining up, CRAP is becoming like the current Republicans. Its deputies in Ottawa criticized the Liberals for taking the perks of office, then voted with the Liberals to enrich their pension plans. CRAP leadership candidate Tom Long was criticized by party rivals for claiming to have signed up 6,000 new CRAP voters in the remote Gaspe region of Quebec, which had been a Bloc stronghold until Long and his buddies showed up to hand out ten-dollar bills in every tavern along the Bais des Chalures. Even Mike Harris, the Newt Gingrich of Canada and Long's mentor, has become bogged down in scandal, from the infamous E. coli outbreak (which caused 14 deaths) and coverup in a water-treatment plant to the cozy ties between Harris and real-estate developers looking to transform Ontario into a Canadian version of Arizona. The newspapers and magazines say CRAP is the fastest growing party in Canada: At 19 percent in the polls, it is now only 30 points behind the governing Liberals. But there's plenty of room to grow.

Even with a strong lead and facing a fractured opposition, the Liberals fear that they may hold a minority government in 2001. Some Canadians are fed up with the political song-and-dance; like their American counterparts, they are taking to the streets. With their Chomsky readers in their backpacks and flowers on their Birkenstocks, young protesters disrupted a meeting of the Organization of American States in a reflection of Seattle's WTO protests. But the limit to such politics was revealed when members of the Ontario Coalition Against Poverty, a union-backed homeless organization (which, like many homeless groups, is run by a person living in a house), tried to storm the provincial legislature. They clashed with police, threw rocks and Molotov cocktails, and stabbed police horses while being arrested. There's no truth to the rumor that Premier Harris was inside the building smiling and laughing, his electoral coalition secure.

Meanwhile, the 800-pound gorilla, Quebec secession, remains asleep—for now. An improved economy has kept the Parti Quebecois quiet, waiting for its chance to hold another referendum. Ottawa says that it will define the question next time and will recognize independence only if a clear majority votes for it. Brave words for a nation whose army is only twice the size of the 8,000 Tamil Tiger guerrillas allegedly hiding in Toronto. Is Prime Minister Chrétien prepared to go to war to save the union? Never underestimate a globalist: After all, his government supported NATO's bombing of Yugoslavia.

Secession is scratched in both sides of the North American mirror. In the early 1990's, secessionist groups worked for independence for Staten Island, Upstate New York, Northern California, Montana, the American Northwest, western Kansas and Nebraska, and the Lake Superior region. Massive immigration is fueling Hispanic nationalist groups in the American Southwest, and the more the memory of the Confederacy is attacked, the more Southerners look to the League of the South. None of these movements have disappeared simply because of the "greatest economic expansion in U.S. history."

Meech Lake supporters insist that, if the accord had passed, Canada would have had constitutional peace for 30 years. But even so, the Parti Quebecois would still exist. Poverty is not the cause of secessionist forces. The fuel that creates these groups—arrogance, insensitivity, bigotry, and elitism—still burns.

Sean Scallon is a journalist from East Ellsworth, Wisconsin.

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by Srdja Trifkovic

Mexico Under New Management: Wish Them Well, and Build That Fence

Because of illegal immigration, there is no other country that affects America's way of life as profoundly as does Mexico. Its politics should be followed, therefore, with the same attention to detail that characterized Kremlinology at the height of the Cold War. Instead, there was an air of unreality to the hundreds of American editorials that accompanied the end of over seven decades of rule by the Institutional Revolutionary Party in Mexico. "It's like the fall of the Berlin Wall, the end of apartheid and the end of the Pinochet regime all rolled into one—and it was done peacefully," marveled Eric Olson, an election observer for the independent Washington Office on Latin America. Most commentators focused on the opening of an era of democracy, stability, and increased foreign investment in Mexico.

As usual, they completely missed the point. The real American interest in the outcome of the July 2 elections is clear: Will new Mexican leadership curtail the demographic onslaught upon America's porous southern border? Will the incoming president, Vicente Fox Quesada of the National Action Party, turn Mexico into a more prosperous country? Will he offer his citizens an alternative to taking low-paying jobs from working-class Americans? And will he attempt to stop the flow of drugs into the United States?

Fox has been trying to present himself as a sensible and pragmatic politician. "We're going to propose solutions for the three important issues of our bilateral relationship: migration, trade, and drugs—very concrete, long-term proposals," he says. But Fox's business credentials (he used to run Coca-Cola's operations in Mexico) and his ostensibly nonideological approach to problem-solving notwithstanding, on these key areas of American concern, his views are less than satisfactory.

Fox wants to terminate the annual review process that the U.S. Congress uses to certify foreign-aid recipients as good partners in the war on drugs. He would replace the review with an agreement among the hemisphere's drug-producing countries, transit states such as Mexico, and consumers such as the United States. Each would be responsible for meeting quantifiable goals; the United States, for example, would be expected to improve drug interdiction and reduce the number of users. These are fine words and lofty sentiments, but Mexico's new president is mistaken if he thinks Congress will suspend its annual review while it negotiates a comprehensive multilateral drug-control agreement. For all of his talk, Fox does not intend to interrupt the massive flow of drugs across the U.S.-Mexican border.

While Fox's views on drug control are discouraging, his ideas on immigration would be disastrous to America's national interest. Fox wants a "North American common market" (like the European Union) that would, after "five to ten years," allow the unrestricted movement of labor. "A worker on the Mexican side will make five dollars a day; in the states, the same work[er] would make $60 a day. What we have to really worry about at the end is reducing that gap and eliminating those differences."

That's simply another way of saying that workers on both sides of the border should be making about $20 per day. The equalization of wages, Fox believes, is how Germany and other prosperous northern European countries stopped the influx of illegal immigrants from Spain, Portugal, and Greece. But Spain, Portugal, and Greece have functioning polities, low birth rates, highly literate populations, and—by Mexican standards—bureaucratic structures that are paragons of efficiency, honesty, and civic responsibility. Mexico is essentially a Third World country: Poverty is the norm for most people; drug trafficking is rampant; crime and corruption are rife; education and criminal justice are woefully inadequate; and the unrest in the province of Chiapas is far from resolved. Real wages have been stagnant since 1970. Mexico has twice the rate of child malnutrition as South Africa and Brazil, but it also has the fourth-largest number of billionaires in the world, and they mostly owe their fortunes to government connections. Mexico has one of the most underfunded health-care systems in Latin America—with even lower per capita spending than Peru, Nicaragua, and Bolivia.

Small wonder, then, that Fox wants the United States to open its borders and markets even further. Yet Fox's agenda has been welcomed by the American media because America's ruling elite is well aware that it owes its financial fortune to a steady supply of cheap labor from south of the border. Our ruling elite does not care that the destruction of the United States as a distinct nation-state may be the ultimate price of this post-national mindset. This outlook rejects the notion of an American ethno-religious culture, inhabiting a defined homeland from sea to shining sea. Through its lack of responsibility to its own people, America's ruling elite has shown that the greatest price of empire, its final domestic consequence, is the destruction of the very nation that starts down the imperial path.

I wish President Fox well in his attempt to reform Mexico, but let's build that long-overdue fence from San Diego to Brownsville. c

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RELIGION

Dare to Be a Daniela

by Harold O.J. Brown

In early July, the United States Supreme Court, acting on a plea brought by two unidentified families, one Mormon and one Roman Catholic, ruled the practice of prayer at high-school football games unconstitutional (*Santa Fe School District* v. *Jane Doe*). Although the prayer was delivered by a girl designated by her fellow students, Justice John Paul Stevens, author of the majority opinion, declared that praying might make some people feel excluded and, therefore, is not permissible. Like *Nebraska* v. *Carhart* only days later, the prayer decision is a stunning example of the way in which our "eminent tribunal," has arrogated to itself supreme authority. The Court seems to believe that, once a five-member majority has been formed, there is no power in heaven or on earth that can challenge it.

In *Carhart*, a five-to-four majority ruled that a Nebraska law banning "partial-birth" abortion is unconstitutional. Although Justice Sandra Day O'Connor wrote in a concurring opinion that a better-written law might meet "my standard of constitutionality," those very words, "my standard," confirm that one justice is making herself the measure by which the lives of more than one-quarter billion people are to be ruled.

Carhart casts a sharp light on the way that the Supreme Court has begun to treat the Constitution as if it were the inspired Word of God and to present itself as God's authorized and infallible prophets. Both *Carhart* and *Santa Fe* reflect a judicial mindset that claims a kind of apotheosis of the judiciary in general and of the Supreme Court in particular. The procedure that the Nebraska law prohibited, partial-birth abortion, is so horrible that medical and legal observers in other countries are amazed that any physician can perform it, not to mention that it can be officially sanctioned by the highest court in the land. Justice O'Connor's "standard of constitutionality" permits thousands of almost-born babies to be killed each year by the suctioning out of their brains.

The general attitude of Christians and Jews toward secular authorities has been obedience, as St. Paul urges in Romans 13:1: "Let every person be subject to the governing authorities, for there is no authority except from God, and those which exist are established by God." It may be permissible to disobey when the ruler is a tyrant, as eminent theologians have argued and Christians from time to time have done. The attempted coup of the German officers against Hitler on July 20, 1944, is a case in point. There are, however, two situations in which biblical believers are not merely permitted but actually commanded to disobey a ruler or a government, situations that arise when the ruler or government attempts to set itself and its laws above and against God, making of itself an idol, in fact if not in name. Both cases are described in the Book of Daniel, in chapters three and six respectively: A Jew or a Christian who honors the God of Scripture *must*, not simply *may*, disobey when government orders him to perform what God forbids (in Daniel 3:5, idolatry) or prohibits what God commands (in Daniel 6:7, prayer).

This second situation arose in the *Sante Fe* decision, when the Constitution was invoked to suppress the simple practice of public prayer by a high-school girl in Sante Fe, Texas. When the prophet Daniel was forbidden to pray, he disobeyed and consequently was "cast into the lion's den." According to the biblical account, the lions were more observant of God's law than of the king's, sparing Daniel's life. King Darius recognized that the will of Heaven had overridden his own and ordered Daniel released. His own scheming counselors were then thrown in, and the lions devoured them. The story is celebrated in a Sunday-school children's song, "Dare to Be a Daniel."

In this fall's football season, will some high-school girl in Texas "dare to be a Daniela" and utter a prayer over the loudspeaker at a game? If so, this deed will challenge both the judiciary, whose imperious will would thus be thwarted, and the educational authorities, who would be expected to act as the Court's agents and wreak vengeance on the would-be Daniela. But how could this be done? There is as yet no law against such a prayer in Texas. Indeed, if there were one, it would seem to violate the First Amendment's protection of free speech, historically considered inviolable (except, perhaps, where prayer is concerned). Our legal tradition respects the principle *nulla poena sine lege* ("no punishment without law"), but in this case punishment would be expected, if not inexorably exacted. After all, it is possible that the educational authorities in Texas would defer to the legal principle of *nulla poena* and permit the young Daniela to go unpunished. If so, how far would the procession of Daniels rise before being confronted by the majesty of the Supreme Court and cast into the 21st-century equivalent of Darius's lion's den?

Those whose goal is the eradication of every trace of reverence toward God from America's public stage relentlessly seek to absolutize the "principle" of the separation of church and state, a principle not found in the Constitution but extrapolated from the words "no law respecting an establishment of religion" in the First Amendment. In so doing, they ignore the words that follow, which forbid "prohibiting the free exercise thereof." Those who prefer to respect the freedom *of* religion rather than to squeeze from the text a fraudulent freedom *from* religion should not make the mistake of supposing that mere symbolic expressions of reverence for God—such as prayers at football games or in schoolrooms, Bible reading in classes, or Christmas crèches in hallways—contribute significantly to the religious devotion of the public. What we must not fail to see, however, is that their prohibition and suppression does something that Scripture and history warn us not to do: to refuse to honor God or to give him thanks (Romans 1:21). As a nation, we have failed to heed this warning, obeying instead the dictates of an imperious judiciary. As a result, we are already experiencing the consequences described in Romans 1:28, in which we read that "God gave them over to a depraved mind."

The effects of being given over to a depraved mind are becoming increasingly evident in the disintegration of our social order. They will never be reversed un-

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less, as a people, we come to realize that, in matters such as these, "We must obey God rather than men" (Acts 5:29). It is extremely unlikely that a judiciary intoxicated with its own power will ever approve of such an injunction. It is hardly more likely that legislators beholden to polls and accustomed to subservience to the courts will do anything to improve the situation. If our moral decline is to be reversed, it will have to be by those few who, perhaps one by one, will dare to be Daniels and Danielas.

Harold O.J. Brown is religion editor for Chronicles *and a professor of theology and philosophy at Reformed Theological Seminary in Charlotte, North Carolina.*

A Methodist Revival

by Mark Tooley

Methodism, America's third-largest religious denomination, eagerly embraced the Social Gospel nearly a hundred years ago. It supported labor unions, civil rights, and a moderate welfare state. By the 1960's, the church was supporting Third World revolutions and abortion rights, while opposing school prayer and U.S. military defense efforts.

Not surprisingly, Methodist theology became as wacky as its politics. About 20 percent of the church's membership responded by leaving; by the 1970's, what had been the nation's largest Protestant denomination was surpassed by the conservative Southern Baptists.

The march to the left may have been halted at this year's meeting of the church's governing general conference, held in May in Cleveland. For 28 years, the denomination has been debating homosexuality at general conferences, which meet every four years. Although the church consistently has rejected "gay" clergy and same-sex unions, the liberals who control the church bureaucracy have long believed that time was their ally. They assumed the church would inevitably follow the secular culture, as it has on so many other issues.

But the window of opportunity may have closed for the homosexual cause within the United Methodist Church. At least two-thirds of the nearly 1,000 delegates at this year's conference resolutely rejected any compromise on its teachings on sexuality. Clergy who profess their homosexuality or conduct same-sex ceremonies will face the prospect of church trials or other disciplinary action.

The next general conference may be even worse for their cause. The church voted to reapportion its delegates for future conferences; the liberal Northeast and West Coast, where membership has drastically declined, will lose delegates. At the next general conference in 2004, a majority of delegates will come from the more conservative Southern and overseas churches.

The reapportionment, along with the increasing political strength of conservative "renewal groups" within the church, will also affect issues other than sexuality. This year's general conference condemned partial-birth abortion (Methodist leaders had previously been uncompromisingly pro-choice); abandoned the church's pacifist stance in favor of just-war theory; supported voluntary school prayer (which church leaders have traditionally opposed); and elected three solid conservatives to fill five vacancies on the denomination's highest church court.

The delegates also voted to join with evangelicals and Catholics to pray for persecuted Christians around the world, despite warnings from some church liberals that the "Day of Prayer for the Persecuted Church" was a ploy of the "religious right." And the delegates resolved to seek observer status with the National Association of Evangelicals and the World Evangelical Fellowship, both of which were once dismissed or ignored by mainline Protestants.

The delegates at the conference were signaling that, after nearly a century, the era of unquestioned liberal domination in mainline Protestant churches is ending. "We who are liberals shouldn't pretend we're in the majority," Methodist Bishop Roy Sano of Los Angeles acknowledged last year. "We're no longer mainline. We're sideline. Evangelicals are in the majority."

Demographically, liberal piety is not faring well. The United Methodist Church, like most mainline denominations, has been losing membership for 35 years. But the fastest rate of decline has been in the church's most liberal precincts, such as Bishop Sano's Southern California region. Virginia now has more Methodists than all of California, and Georgia has more Methodists than the West Coast and Rocky Mountain states combined. Some Deep South regions have actually experienced church membership growth, while the overseas churches number over 2.5 million members. (There are 8.4 million United Methodists in the United States.)

Hence, homosexuality's proponents will likely fail by even greater margins at the next general conference, with their Western and Northeastern supporters present in diminished numbers. The pro-gay lobby within the church, accustomed to growing acceptance by the secular culture, must confront the realization that victory within United Methodism may no longer be inevitable, or even possible.

Over the last four years, a number of pro-gay Methodist clergy have conducted same-sex unions in defiance of church law, hoping to force the church to choose between accepting those unions or facing schism. "After this General Conference, someone will be leaving the denomination," promised the Rev. Greg Dell, who was suspended from the pastorate for a year after conducting a same-sex ceremony at his Chicago church.

In fact, the votes in Cleveland were not even close. Solid two-thirds majorities rejected any effort to dilute United Methodism's disapproval of homosexual practice. Pro-gay United Methodists were joined the day before the crucial votes by Soulforce, an ecumenical pro-gay lobby. Soulforce's leader, the Rev. Mel White, a former Jerry Falwell aide who came out of the closet, instructed several hundred supporters in the technique of civil disobedience.

White and almost two hundred other trustees, including United Methodist Bishop Joe Sprague of Chicago, were arrested outside the convention center. The next day, during the votes, several dozen demonstrators occupied the floor of the convention to protest their impending defeat. Delegates voted to allow them to remain if they were not disruptive. But after the church's prohibition against same-sex ceremonies was reaffirmed, the demonstrators began singing "We Shall Overcome," and Cleveland police quietly ushered them away. This time, two bishops were arrested, while a dozen other bishops sang in solidarity.

"You've made it clear that I don't belong in this church," shouted one angry delegate who, after losing a vote, ripped up his speech in front of a microphone on the convention stage. "We are being disenfranchised," complained another delegate from the church's Western jurisdiction, which strongly backed the pro-

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gay lobby.

An angry rally by the Methodist Federation for Social Action, the church's oldest liberal caucus group, featured the Rev. James Lawson, a retired Methodist cleric and one-time colleague of Martin Luther King, Jr. (Lawson organized the 1968 Memphis garbage collector's strike, which summoned King to his impending assassination in that city.)

Still a fiery orator, Lawson excoriated the conservatives who are taking over his denomination. "They are not interested in serving Jesus Christ. They are interested in the management and control of the United Methodist Church." The crowd of over 500 roared its approval when Reverend Lawson announced: "They are not voices of God but voices of white privilege, greed, capitalism, racism, wrong and American domination of the rest of the world."

Reverend Lawson lambasted Methodist conservatives as part of the "right-wing ideological junk of America" who are seducing the church with their money and supposed media savvy. "We will make the church unmanageable until the church decides it will serve God and not America," Lawson warned. He was later arrested during the carefully choreographed acts of civil disobedience that failed to alter the outcome of the general conference.

If pro-gay bishops were outspoken, moderate bishops were reticent about their personal views on sexuality. The exception was Bishop Arthur Kulah of Liberia, who preached against homosexual practice in a sermon to the conference. In later remarks to a black clergy association, Kulah explained that, as a child, he was raised by two mothers in his polygamous culture. Then the missionaries came, teaching that marriage is between one man and one woman. Now, some argue that marriage can be between one man and one man, or one woman and one woman. The African church will not accept that, Kulah insisted.

Church liberals, who like to represent themselves as spokespersons for the "oppressed" Third World, were unable to explain why their most forceful opponents on issues involving sexuality were delegates from Africa, Asia, and Latin America. They also seemed unprepared for the decisive vote against partial-birth abortion, which carried 70 percent of the delegates. The United Methodist Church helped found the Religious Coalition for Abortion Rights almost 30 years ago, and the vote was the first condemnation of an abortion procedure by the denomination since *Roe* v. *Wade*. Only four years ago, United Methodist officials supported President Clinton's veto of legislation that would have banned partial-birth abortion.

Just as surprising was the election of the president of a private evangelical seminary to the University Senate, which oversees the church's official seminaries and has been the traditional preserve of liberal academics. But United Methodists were not yet willing to give up on the nearly comatose National and World Councils of Churches. Still, their vote to seek observer status in the National Association of Evangelicals and the World Evangelical Fellowship was a move that no one would have predicted even a few years ago.

Liberals still won victories: Capital punishment was denounced; gun control was extolled; the U.S. Navy presence in Puerto Rico was condemned; there was a call for a "Jubilee" cancellation of Third World debt and demands that the U.S. Army close its School of the Americas, a training center for Latin American military officers. Conservatives saved their ammunition for more crucial battles over sex, church polity, and theology.

The conference was rife with symbolism. Liberals were led by the Rev. J. Philip Wogaman, pastor to Bill and Hillary Clinton at Washington's Foundry United Methodist Church. A former seminary professor now in his late 60's who was probably attending his final general conference before retirement, Reverend Wogaman pleaded for the delegates to compromise on homosexuality: "Again and again we have learned as a church that we were wrong about women, about slaves, about racial minorities, about monarchy, about feudalism. Will we one day have to hold a service of repentance for our gay and lesbian sisters and brothers?"

He was defeated in the election for chairman of the legislative committee that handles sexuality issues by a dynamic black pastor from Houston who responded that there could be no compromise on homosexuality in the church's rule book, known as "The Discipline." "There is indeed a discipline that is higher and greater than the one that is made for United Methodists," said the Rev. Robert Hayes. "It is the Word of God as printed in the Holy Scriptures and it is to that discipline that we must be faithful." At Reverend Hayes' urging, the delegates repeatedly rejected any effort at compromise on homosexuality, decisively reaffirming traditional church teachings on marriage and sexuality by a margin larger than four years ago. Newspaper accounts reported the votes with some surprise.

The 20th century began with a Methodist president, William McKinley, who was converted in the great revivals before the Civil War. The century is ending with a President and First Lady who were drawn to Methodism because of the liberal vision of social justice espoused by Pastor Wogaman and other church leaders. The 21st century could begin with another Methodist president, George W. Bush, whose conversion and evangelical faith are more reminiscent of McKinley than the Clintons.

Whoever is elected this fall, Methodism's era of liberal dominance is drawing to a close. Its potential replacement by a more conservative understanding of Christianity is not just a religious story but a national one: Methodist revivalism forged the character of frontier America, and Methodism's accommodation of modernity helped shape the 20th century. Methodism's return to the Christian mainstream could transform America no less profoundly in the years ahead.

Mark Tooley is a research associate at the Institute on Religion and Democracy in Washington, D.C.

LAW

A Killing Privacy

by Thomas Fleming

Abortion is not something to discuss in polite company. Unlike a good, clean murder committed from natural motives such as revenge, envy, and greed, abortion is something slimy, more like a sex crime. Many parents must be tempted, from time to time, to commit mayhem upon their offspring. Such feelings are natural; but women who have abortions are killing their babies so that they can have more sex. As murderesses, they are no more reprehensible than women who smother their crying babies in the crib, but they are a lot more disgusting.

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There are some extraordinary circumstances when a normal (non-Christian) woman might seriously consider killing a child—to save her own life, to save the child from suffering or disgrace—but those circumstances do not come up one out of a thousand times in abortion cases. Ask an elderly obstetrician how many times he has had to advise a family to choose between the mother's life and that of the child, and he will probably tell you "Never."

Another reason not to talk about abortion is that there is little room for polite disagreement. People either know it is wrong, or they do not, and those who write legal briefs, judicial decisions, and philosophical articles defending the slaughter of the innocent are worse than the butchers who make their living as abortionists or the sick and evil women who kill their babies.

With the Supreme Court's recent decision in *Nebraska* v. *Carhart*, we have finally reached the point where even ordinary people understand what only the wise (e.g., C.S. Lewis) knew 50 years ago, and only the intelligent grasped in 1965, when the Supreme Court ruled, in the *Griswold* case, that women had a right to privacy that included a right to contraception.

It is worth pausing a moment to reflect on Justice William O. Douglas's important contribution to the destruction of the Constitution. In order to discover a pretext for protecting homicide, Justice Douglas had first to invent a constitutional right to privacy. His tortured reasoning in *Griswold* makes amusing reading for people interested in the criminal mind. Since the Third and Fourth Amendments, for example, go beyond mere questions of quartering troops and search and seizure to protect our privacy behind closed doors, and since the Fifth Amendment ensures our privacy by guaranteeing the right not to testify against ourselves, then the entire Bill of Rights more or less can be construed—by various vapors, emanations, and penumbras—to give us the right to practice contraception and to commit murder so long as these activities are carried out in the privacy of our own bodies. It is really very simple. If the government cannot quarter troops in our homes, God and nature cannot quarter a baby in a woman's body.

Douglas's arguments do not hold water, either constitutionally or logically. Both contraception and abortion were regarded as sinful and immoral throughout most of Christian history, and a putatively Christian state has the power to pass statutes consistent with the moral code of the overwhelming majority. Of course, some laws (e.g., against theft and murder of fellow citizens) are more or less universal, but many derive from specific moral codes. To seduce a stepmother was a capital crime in Roman law, which also acknowledged a father's right to execute a grossly disrespectful son.

Christian states, although they have inherited much of the Roman law, impose a different set of moral prohibitions—on gambling and prostitution, for example, and on infanticide—while the legal systems of Christian British nations, in affirming human dignity, have gone still further in protecting the rights of citizens against the usurpations of government. Although it is not true to say that the Constitution and Bill of Rights are explicitly Christian documents, they are inconceivable in any context but that of the Anglo-American Christian traditions in which the Framers lived. Abandon the Christian basis of our law, and you will soon find yourself debating such questions as whether property is theft or when life begins.

To advance their bogus arguments, the infanticidal justices have had the predictable recourse to obfuscatory research and irrelevant statistics. Read the footnotes to *Nebraska* v. *Carhart* and you might think that Stephen Breyer or his clerks knew something about embryology, when they cannot even grasp the simple fact that the human embryo is *human*. In *Roe* v. *Wade*, Justice Douglas pretended to believe that there is some kind of moral difference of opinion over infanticide, and in writing for the majority, Justice Harry Blackmun waded through mountains of completely irrelevant information about the gestation period of human infants. Why? Because in medicalizing this very simple moral question, Blackmun and Breyer are able to throw dust in the eyes of ordinary people who might otherwise know what a baby is. Opponents of abortion have all too often taken the bait, confining their fighting to the technical lines laid down by the infanticide lobby.

Moderates (as well as many supposed hard-liners) apparently did not get the point, preferring to distinguish contraception (bad, maybe, but not real bad) from abortion, and late-term abortions from those performed before the fetus begins to look very human. This was the gist of a key part of the *Casey* decision in 1992, which while pretending to criticize *Roe*, actually buttressed its essential provisions. While the majority in *Casey* was congratulating itself for clarifying the standards for viability and the "undue burden" that could not be put on women seeking an abortion, Justice Scalia was openly contemptuous of their bad logic and incomprehensible, pettifogging distinctions: "It is difficult to maintain the illusion that we are interpreting a Constitution, rather than inventing one," he wrote.

The *Casey* standards were more or less ignored by Justice Breyer, writing for the majority in *Carhart*, and although Justices Rehnquist and Thomas expressed their unhappiness with this about-face, Justice Scalia could not help pointing out the fundamental mistake made in *Casey*, though the tone of his dissent is more one of melancholy resignation than of the fire of defiance. While Justice Scalia is sometimes criticized for his lack of civility, it is actually his forbearance that is hard to decipher. I frankly wonder how a man of his caliber can remain in the same room with Sandra O'Connor without gagging.

If *Griswold* and *Roe* are constitutional fantasies, *Nebraska* v. *Carhart* might have been drafted by the great Marquis de Sade himself. Agreeing with their decision in *Casey* that the state may regulate or even proscribe abortions performed after viability has been reached, the majority went on to argue—encouraged by the American College of Obstetricians and Gynecologists—that a state imposes an undue burden on a woman by outlawing specific methods. In other words, states can pass laws against homicide, but they may not forbid stabbing or shooting *per se*.

The argument over viability now looks, in retrospect, to have been an aesthetic, rather than a legal or moral, position. The dishonest term "partial-birth abortion" cannot conceal the reality. What the Nebraska law forbade is infanticide, defined simply as when a physician "partially delivers vaginally a living unborn child before killing . . . the child." The ghouls on the Court apparently believe that, as long as a baby has a little toe in contact with his mother, his murder may be treated as abortion.

Where in a nation of 270 million people did we find five specimens like Stephen Breyer, Sandra Day O'Connor, Ruth Bader Ginsburg, John Paul Stevens,

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and David Souter? Justices Breyer and Ginsburg we can blame on Bill Clinton—although it was that staunch pro-life Republican, Orrin Hatch, who went to bat for the latter in the Senate. The rest are Republicans. Justice Stevens is a Ford appointee; Justice O'Connor is a Reagan pick; and that "confirmed bachelor," Justice Souter we owe to George Bush (although he had been vetted by Reagan's staff). The Republicans not only saddled us with Justices O'Connor, Souter, and Stevens (to say nothing of that limp rag, Justice Kennedy), but they refused to take a principled stand against Clinton's disgraceful appointees. Let us remember this the next time our Republican friends argue that we have to elect George W. Bush president to make sure that "conservatives" are appointed to the Supreme Court. There are dozens of reasons to prefer George W. Bush to Al Gore, but the opportunity to pack the Supreme Court with pro-life strict constructionists is not one of them.

Thomas Fleming is the editor of Chronicles.

HISTORY

The Italian Counterrevolutions of 1799

by Alberto Carosa

Who says that conservative historians have to be old, hoary-headed men unable to produce anything innovative? A young Italian scholar named Massimo Viglione is proving the contrary with his two latest books, *Rivolte dimenticate* (*Forgotten Revolts*) and *Le Insorgenze—Rivoluzione e controrivoluzione in Italia, 1792-1815* (*Uprisings—Revolution and Counterrevolution in Italy*). Viglione is a Catholic researcher in the University of Cassino's Department of Modern History, specializing in the French Revolution and its profound impact on the Italian peninsula between the late 18th and early 19th centuries.

His two books do not come out of the blue: They are an expansion of his first work on the subject, *The Italian Vendee*, published in 1995. Since then, Viglione has collected an impressive number of documents to describe one of the least known yet most dramatic periods in Italian history, following the invasion of the French revolutionary armies in Italy, bent on "liberating" the "oppressed" Italian masses at gunpoint.

The publication of Viglione's books is one of an increasing number of events which celebrate the tens of thousands of victims of this "liberation," events in opposition to the 15 billion lire of public money spent to extol a handful of Italian "martyrs of freedom" who supported the French invaders and their ideas. The confrontation between the two sides reached its peak in early 1999, when the San Carlo Opera House in Naples opened its season with *Eleonora*, an opera starring Vanessa Redgrave as the main female protagonist of the 1799 French-backed revolution in Naples against the Bourbons. The premiere, attended by then-Prime Minister Massimo D'Alema and a number of political and cultural celebrities, was marred by a flood of protest leaflets and shouts of "Jacobin assassins." The short-lived revolution celebrated in the opera temporarily overthrew the Bourbon king of Naples and established the so-called *Repubblica Partenopea*; it was subsequently put down by the counterrevolutionary forces of Cardinal Fabrizio Ruffo, aided by Lord Nelson—but not before 80,000 citizens of Naples were slaughtered. Cardinal Ruffo's victory remains one of the most significant events in the series of popular uprisings against the French invaders and their Italian accomplices.

Viglione points out that anti-French revolts broke out spontaneously and concurrently throughout the Italian peninsula, from Savoy to Calabria, from Puglia to Tyrol and Tuscany. For 18 years, at least 300,000 Italians from all walks of life rose up in arms, and more than 100,000, including women and children, were slaughtered in massacres which vie with those that quelled the counterrevolution in Vendee. (The only major difference is that the Italians managed to chase the invaders out.) The French also robbed Italy of countless masterpieces of art, including the world-famous Venetian Horses of Saint Mark, and robbed and abused rich and poor alike. Even hospitals, churches, and charities were systematically looted in the name of "*liberté, egalité, fraternité*."

"To what extent can [the patriotic Italian] insurgents be described as 'brigands' or 'criminals' and the Italian Jacobins as 'patriots,' when the latter were serving under the French revolutionary banner, helping the Napoleonic forces to kill, plunder, and desecrate?" Viglione wonders. "This is one of the main issues addressed in my books. We must bear in mind that ordinary people died by the tens of thousands in order to defend their traditions, religion, legitimate rulers and monarchs, and ultimately their families and assets." Even the French General Thiebault, in his memoirs, describes his arrival in Naples this way:

> Naples was nothing but an immense field of massacres, arsons, fear and death . . . Not even one Neapolitan survived on our way in. Never have I seen so many dying at the same time. I would have never imagined that in such a short time so many people could have been exterminated: I do not dare to calculate their number.

This was the result of the general's own orders. Most of the dead were *lazzari*, Neapolitan peasants, whose only fault was remaining loyal to their Church and king.

"These exceptionally far-reaching events were willfully and carefully removed from our official national history, our mainstream literature, and even our textbooks at school," Viglione argues. "When, at times, they are dealt with, an anti-insurgent bias is the general norm. But despite this, the whole issue is increasingly surfacing more or less in the right terms, thus defying the 'politically correct.'"

To date, Viglione's books have been reviewed in many important national and regional papers (including *La Stampa*, *Il Giornale*, *Il Sole 24 Ore*, *Avvenire*, *Secolo d'Italia*, and *il Roma*) and have been the subject of a television debate. Moreover, Viglione has held numerous conferences and talks in a number of Italian cities, including one at the Senate in Rome. After a conference in Milan, the newspaper *Il Giornale* published a full-page report, with an impressive map of Italy pinpointing some hundred flashpoints of the uprisings. Not surprisingly, many of the anti-revolutionary revolts were led by priests and religious laymen, since the Catholic faith was also under attack.

True to her radical past, Vanessa Red-

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grave, who was unfamiliar with the events of 1799 in Naples until she was offered the part in the opera, told the *International Herald Tribune* that she blamed the British educational system for continuing to pass over the "extremely reactionary role of Nelson in the whole business of the Bourbons." The politically correct view holds that the man responsible for the merciless repression of the Neapolitan Jacobins was Cardinal Ruffo, who, after successfully leading a popular counterrevolution from the southernmost tip of Calabria, restored the Bourbons to power in Naples.

Contemporary historians disagree. They contend that Cardinal Ruffo pledged to save the lives of those revolutionaries who had surrendered, but Lord Nelson disavowed the prelate's pledge and hanged them all. Apparently, Nelson acted upon the direct order of King Ferdinand of Bourbon, a close ally of the British Crown who had fled to Palermo with part of his fleet before the advance of Napoleon's troops. The king (or rather, the queen, according to Viglione) ordered Nelson to treat Naples as he would any rebellious Irish town. He strictly adhered to the Bourbons' will, demonstrating a monarchist zeal probably greater than the monarch would have showed himself.

Alberto Carosa is the editor of Famiglia Domani Flash, *a pro-family newsletter published in Rome.*

MUSIC

Jazz Standards

by Tony Outhwaite

The new millennium brings with it the formal end of jazz's 20th century, although serious historians recognize that some elements of the music trace back to roughly two-thirds of the way through the 19th. Yet even with the undeniable brilliance of much that was produced during the Dixieland, swing, be-bop, and subsequent eras, as the curtain closed on the American Century, it was apparent that, aesthetically, America's music is not in the best of shape.

Many critics believe that art benefits from a certain amount of disorder—creative chaos, some might call it. Thus, one could dismiss the unpleasantness among New York critics over charges of cronyism and even racism in trumpeter Wynton Marsalis's stewardship of the Jazz at Lincoln Center program as philosophical differences that got noisily out of hand during the mid-1990's. And critics, to say nothing of music industry types, are not immune from their own foolishness: Witness comments at the most recent Grammy Awards denouncing the fine singer-pianist Diana Krall as a "lounge act" or the continuing misguided attempt to define the music of Michael Jackson as rhythm-and-blues. Likewise, one could rationalize the loss of several of Gotham's important jazz clubs in the last few years—Fat Tuesday's, the Village Gate, Condon's, Visiones, and the much-beloved Bradley's—as part of the eternal uncertainty of the music business.

What should be of major concern, however, is the state of the jazz repertory, now growing increasingly stale, and the absence of young new composers with a personal voice or style. In the past, jazz benefited considerably from such talented writer-arrangers as Don Redman, Neal Hefti, Ralph Burns, and many others who worked with big bands, or visionaries such as Duke Ellington, writing for his own orchestra and ably assisted, after 1938, by Billy Strayhorn, who contributed important compositions—such as "Take the 'A' Train" and "Day Dream"—to the band's repertoire. The advent of be-bop in the 1940's, with its smaller groups, brought to prominence musicians such as Tadd Dameron, a gifted pianist-arranger adept at reworking older popular standards by writing new melody lines over the original chord changes. In this way, Cole Porter's 1929 London show tune "What is This Thing Called Love" became, in 1945, Dameron's bop number, "Hot House." Famed saxophonist Charlie Parker, although more of an off-the-top improviser than formal composer, used the same method to produce other bop tunes such as "Marmaduke" (a reworking of "Honeysuckle Rose"), "Ornithology" (written from "How High the Moon"), and "Ko Ko" (from "Cherokee"). These and similar contributions—not just spur-of-the-moment, riff-based "head" arrangements but distinct, recognizable melodies—by Dameron, Parker, and their be-bop contemporaries remain important in the jazz lexicon.

Around the same time, iconoclasts such as Charles Mingus and Thelonious Monk were beginning to develop their own idiosyncratic notions, out of which came the tricky, cerebral Mingus *oeuvre* that includes "Pithecanthropus Erectus," "Fables of Faubus" and "Orange Was the Color of Her Dress (then Blue Silk)," and Monk's peculiar, atonal compositions such as "Blue Monk," "'Round Midnight," "Criss Cross," and "Straight No Chaser." These have never been easy to play, yet they are still performed in clubs and concerts and by repertory groups such as the Mingus Big Band. During the 1950's, Horace Silver, Benny Golson, and Wayne Shorter rose to prominence, and jazz was subsequently enriched by bluesy, carefully-written Silver numbers such as "Strollin'," "Doodlin'," and "Song For My Father," and Golson's melodic "Along Came Betty," "Whisper Not," and "Stablemates." Shorter became better known to the public for his work as saxophonist with Miles Davis in the 1960's and then, in the 1970's, with the jazz-rock group Weather Report; nevertheless, he has continued to produce intriguing original material, including "The Chess Players," "E.S.P.," and "Pinocchio."

There have been many other musicians with a talent for composition, although perhaps lacking the distinctive personal approach of a Mingus, Ellington, or Monk. A number of them (Sonny Rollins and Gerry Mulligan for example) have always been better known, at least to the general public, as instrumentalists, but this in no way diminishes their contributions. Mulligan's "Venus De Milo" and "Godchild" are favorites with jazz players, as are such Rollins numbers as "Pent-Up House," "Oleo," "Doxy," and "St. Thomas." In addition to countless other jazz originals, and of course the blues, jazzmen have always drawn from the vast treasure-trove of popular songs, many from films and Broadway shows, generally known to the public as "standards." Musicians have worked with these for decades, turning them into jazz through inspiration, and many of the recordings, such as tenor saxophonist Coleman Hawkins' 1939 version of the ballad "Body and Soul" or trumpeter Bunny Berigan's 1937 recording of "I Can't Get Started," are regarded, deservedly, as classics. Both the tunes and the improvisations on them are distinctive and delightful; they remain, however, popular tunes adapted for jazz, rather than written expressly *as* jazz.

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The new players of the 1990's, on the other hand, possess little sense of lyrical composition, turning out derivative garden-variety hard-bop numbers written from chord changes without regard for melody and harmony and often played in the same up-tempo 4/4 meter, thereby illustrating the old insiders' joke that the two scariest words in jazz are "original material." Even when they lend themselves to the occasional well-constructed solo, these pieces are formulaic and instantly forgettable, doing little to enrich the musical thesaurus. As musician and writer Eric Felten commented recently in the *Wall Street Journal*, "most jazz musicians look at the melody as something to be raced through to establish the chordal structure that will underpin the more important business of improvisation." Veteran critic Nat Hentoff disagreed with Felton on the importance of melody in today's jazz, but Felten's points about chord structure are valid. And although it is easy to understand the desire of newcomers to be thought of as composers who play their own material, this cookie-cutter approach to creation, recycling pale imitations of much that was recorded and played in the past, is a disservice to music and performer alike.

An art form must perpetually renew itself if it is to remain vital. This is true of literature, of art, of drama—and of jazz. As painting evolved in the late 19th century from Impressionism through Post-Impressionism and Fauvism to other forms and styles, it brought with it new philosophies, new approaches, and new individuals who created lasting treasures. The same had been true of jazz until the last 20 years.

Benny Golson has pointed out that he composes from melody, while Horace Silver, when asked years ago whether he would prefer to play or compose, stated unequivocally his fondness for composition. In fact, the most distinctive jazz composers have usually been people whose basic creative urges led them in that direction, even if they were also excellent instrumentalists. Today, when such jazz classics as Silver's "Song For My Father" and Ellington's "Satin Doll," to say nothing of standards such as "Autumn Leaves" and "The Man I Love," have been played nearly to death, what the jazz community needs is a new group of mavericks such as Monk and Mingus, or highly articulate musical philosophers such as Ellington, each moving to the beat of his own internal drummer. They are probably, even now, working in obscurity somewhere, hoping to be heard, and the elders of jazz would be wise to seek them out and listen carefully to them. Interesting occasional compositions by other musicians will always be welcome, but nothing beats a sustained personal vision, and that is something jazz as an art form desperately needs as the 21st century arrives.

Tony Outhwaite is a literary agent in New York City.

VIDEO

A Southern Braveheart

by H. Arthur Scott Trask

Ride With the Devil

Produced by Ted Hope, Robert F. Colesberry, and James Schamu
Directed by Ang Lee
Screenplay by James Schamus
Released by Universal Pictures and Good Machine

It can be argued that the War Between the States began not at Fort Sumter but along the Missouri-Kansas border in the mid-1850's. The passage of the Kansas-Nebraska Act in 1854 meant that the future of slavery in the territories would be decided by the majority of settlers. Sen. Stephen Douglas of Illinois and the other supporters of this act believed that they had crafted a measure of sectional compromise. They expected that Kansas, being contiguous to Missouri, would be settled by Southerners and that Nebraska, being contiguous to Iowa, would be settled by Northerners. However, anti-slavery radicals from New England and the Midwest were determined that no more slave states should enter the union. They immediately began sending settlers and rifles to Kansas in an effort to make it a free state. Sporadic warfare soon broke out between anti-slavery and pro-slavery settlers. When the former prevailed by sheer force of numbers, Kansas was admitted to the union as a free state in 1860. The victorious Jayhawkers soon began raiding into Missouri for the ostensible purpose of freeing slaves. Their real purpose was to liberate horses, livestock, gold and silver, furniture, pianos, and whatever else they could cart back to the home of the free. They also murdered. Missourians, of course, fought back, and they sometimes crossed into Kansas for a visit. Such was the situation during the winter of 1860-1861, on the eve of the secession crisis.

Like the other Southern border states, Missouri did not secede from the union in 1861, but secessionist sentiment existed and was increasing steadily, especially after the firing on Fort Sumter. When President Lincoln called for volunteers to suppress the "insurrection" in the South, Missouri's governor, Claiborne Fox Jackson, indignantly refused. He wired the President: "Your requisition is illegal, unconstitutional, revolutionary, inhuman, diabolical, and can not be complied with." Lincoln's response was to depose the legitimate state government by force and to invade and occupy the state with thousands of federal troops. The governor and the state legislature had to flee the capital of Jefferson City to avoid arrest by federalized German militia from St. Louis who were being transported up the Missouri River by gunboats. Gen. Sterling Price, Missouri's former governor and a Mexican War hero, took command of the State Guard and inflicted two crushing defeats on federal forces in the summer of 1861, but the combination of a federal military buildup and a lack of support from Richmond forced him to withdraw into Arkansas in early 1862. Missouri's Southern rural population now found themselves behind enemy lines in their own homes. If they wanted to fight—and most did—they had two choices: They could try to get to Arkansas to join Price, whose forces were now part of the regular Confederate army, or they could take to the bush and begin a guerrilla war. Because it afforded them the chance to provide at least *some* protection to their lands, houses, and family, many chose the latter course. Their exploits became infamous to some, legendary to others.

Missourians are fortunate to have two fine films that tell part of the story of our state during this period. *The Outlaw Josey Wales*, starring and directed by Clint Eastwood, tells the story of a Missouri farmer turned Confederate guerrilla. The bulk of the film covers the immediate aftermath of the war. Alone

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among his comrades, Wales refuses to surrender and take a loyalty oath. This decision saves his life, for, as he watches from the bush, his disarmed compatriots are treacherously massacred by federal forces acting under the orders of Kansas' radical Republican senator, James Lane. Learning of Wales' escape, Senator Lane sends a detachment of Kansas cavalry known as "Red Legs" to track and kill him. (Their name came from the distinctive red leggings they wore above their boots.) Wales heads southwest for Texas, and the film follows his exploits as he successfully eludes, or outduels, the pursuing Kansas cavalry as well as an assortment of civilian riffraff, ex-federal troops, *comancheros*, and bounty hunters.

Another film of note, *The Long Riders*, follows the exploits of the James-Younger gang of Missouri, ex-Confederate guerrillas who decided to carry on the war after Appomattox by robbing Yankee-owned banks and railroads. Now, thanks to Ang Lee, the talented Taiwan-born director of *Sense and Sensibility*, we have a third film about the war. This one tells the complex and little-known story of the guerrilla war inside Missouri, as Southerners carried on a desperate fight to free their state from Northern military occupation and to defend their homes from the depredations of Kansas Jayhawkers.

Both as history and as art, *Ride With the Devil* is an exemplary film. It offers a compelling and believable story, authentic and intelligent dialogue, the serious portrayal of friendship, character development, fine acting, and beautiful cinematography. Many of the film's strengths, both artistic and historical, stem from Lee's wise decision to follow closely Daniel Woodrell's good short novel *Woe to Live on* (1987). The book tells the saga of a group of young men from Lafayette County in western Missouri who join a band of Confederate guerrillas early in the war. Most of them are the sons of wealthy planters or substantial farmers, and many have seen their fathers or older brothers murdered by Jayhawkers. Lee's film follows these young partisans as they skirmish with federal troops. In an age of incessant Southern-bashing and demonization, it is remarkable that Lee neither caricatures nor demonizes the Southern fighters but presents them sympathetically. They are well mannered, brave, honorable, and fervently devoted to their land and people. In one remarkable scene, Lee shows the commander of the guerrilla band, John Ambrose (James Caviezel), attempting to negotiate an exchange of prisoners with the federal authorities. They ignore his offer and execute their prisoners. Southern honor and chivalry contrasts with Yankee brutality.

Lee made the wise decision to shoot his film on location in western Missouri. The natural scenery adds authenticity and poignancy to the film. To a native Missourian, the landscape with its hardwoods, rolling hills, and tall grasses is instantly recognizable and adds to the illusion of viewing past events instead of watching a cinemagraphic recreation of them. Lee also made use of the numerous 19th-century farmhouses and plantations found in the area. The musical score by Mychael Danna is splendid: Much of it has a Celtic and bluegrass sound that reminds the viewer that these are a *Southern* people fighting for independence. The cinematography by Frederick Elmes is simply magnificent. The battle scenes have all the visual poetry of the *Long Riders*.

Lee's casting is also excellent. He chose talented actors who not only physically resemble the Southern Anglo-Celts who made up the bulk of Missouri's rural population, but who can do a Southern accent with the subtlety it deserves. Skeet Ulrich and Australian actor Simon Baker play the sons of wealthy planters. Tobey Maguire plays the son of a German immigrant who has elected to fight with the Southerners among whom he has grown up rather than hide out with his father's family. When his father tells him that he should move to St. Louis to stay with German relatives for the duration of the war, he replies, "I'm not going to go to St. Louis to live with the Lincoln-loving Germans," for the Southerners are "his people now." Most of his comrades accept him as an adopted Southerner, but they still call him "Dutchy." Jeffrey Wright plays a freed slave named "Holt" who has sided with the people among whom he has grown up, and the pop singer Jewel (who is surprisingly good) plays the widow of a slain guerrilla fighter.

For the climactic action scene of the movie, Lee portrays the famous Missouri guerrilla raid on Lawrence, Kansas, in August 1863. In that month, William Quantrill, the most powerful guerrilla commander at that time, gathered nearly 500 men for an attack on the hated capital of Kansas abolitionism and Jayhawking. Quantrill's guerrilla bands swept into town on the morning of August 21, shot almost 200 men to death, and burnt the place to the ground. Lawrence was virtually wiped off the map. It would have been easy for Lee to demonize the Missourians by failing to place the raid in its proper context, but he does not do so. Not only does he show Kansas Unionists crossing into Missouri to murder planters and burn down their homes, but he films Quantrill's famous speech before the guerrilla bands on the eve of their march into Kansas. In that speech, Quantrill cited as justification for the raid the death at the hands of federal military authorities of some of the wives and sisters of the Missourians. By imprisoning and killing women, the federals had crossed the line into savagery and were no longer entitled to the protection of the laws of war. Justice required retribution. In the words of one of the men, "We could stand no more." Even so, Lee shows that some of the raiders, including Roedel and Holt, refused to take part in the killing once they had captured Lawrence. Any true Southerner should thrill at the beautifully filmed scenes of Quantrill's men, dressed in navy blue jackets for disguise, riding into Kansas, assembling on Mt. Oread above the town, shedding their jackets, forming into battle lines, and then swooping down with rebel yells on the radical Republican stronghold. Lee does depart from history when he has the Missourians engage in a fierce battle with pursuing federal cavalry while still in Kansas. In actuality, the raiders got back to Missouri without any such battle.

It is important to note a few other flaws in this otherwise fine film. First, the story implies that "Dutchy," or Jake Roedel, is the only one of his comrades who can read. Southerners, you see, don't believe in education, only in plowing and fighting. This is nonsense. Are we really expected to believe that the sons of wealthy planters were not taught how to read or that they did not value a classical education? Second, Lee smuggles in an anti-slavery message (in the form of a captured letter to a Northern soldier) that is not found in the book. Third, the "n-word" is used much too frequently. Yes, the word was used back then, but not as much as the film would indicate. Lastly, this film is not suitable for children or even teenagers. There is much graphic violence and two sexually suggestive scenes (but no significant nudity).

A word needs to be said about what Ang Lee thinks is the ultimate meaning

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of his film, for it jars both with Woodrell's book and the film itself. In an essay found on the website for the movie, Lee admits that he both identifies and sympathizes with the Southerners. However, he goes on to argue that it was necessary for progress that the North win the war. He starts by noting that many people throughout the world are complaining that their countries are being Americanized. According to Lee, the American Civil War is where "it all started." What he describes as "the Yankee invasion and victory" was a victory for "the Yankee principle" that "everyone is equal, everyone has the right to fulfill himself." Moreover, the Northern victory led directly "to the new world that we are living in today: the world of democracy and capitalism." Lee also misinterprets the novel as being about "the emancipation" of the "two outsiders (the German immigrant and the black slave)." Lee seems to have forgotten that Roedel was not an immigrant but the son of an immigrant, and that Holt was not a slave but a freedman.

Despite this Lincolnesque spin (which sounds to me like an attempt to counter criticism that the film portrays the Northerners as the bad guys), Lee has created a movie well worth seeing. At times, it reveals an understanding of the war that is stunning. In one scene, a local planter confesses to some of the guerrillas over dinner that he fears their side will lose. Why, they ask? The planter explains that, when the Yankees settled Lawrence, the first thing they did was to build a school, not a church, and then they forced the children from everywhere around to attend. The Yankees, he says, want everyone to think and live like they do, but we Southerners don't care how others live. That is why we will lose.

Ride With the Devil brings to light a largely forgotten but fascinating chapter of Southern history during the War Between the States, and it presents the Southern side of the war with sympathy and fairness. Perhaps this is why, after an early release in mid-December 1999 to 60 theaters nationwide, and despite good reviews, Universal Pictures canceled the main release and sent the movie straight to video. This, plus the fact that this fine movie received not a single Academy Award nomination, leads me to suspect that Hollywood is ignoring a film that does not convey the "right" moral lessons. *Ride With the Devil* is simply far too complex and realistic to be approved or rewarded by the contemporary entertainment industry.

H. Arthur Scott Trask is descended from Missouri Confederates.

EDUCATION

The Life of the Mind in Glitter Gulch

by Francis J. Beckwith

For seven years (1989-96), I was a full-time faculty member at the University of Nevada, Las Vegas (UNLV). I grew up in Las Vegas, earning a B.A. in philosophy from UNLV in 1983 before going to graduate school. In August 1996, my wife and I left Nevada and moved to Southern California, where I had accepted a tenure-track position at Whittier College. Although leaving our family and friends in Las Vegas was difficult, our departure from Glitter Gulch has provided me with a new perspective on casino gaming and the culture of Las Vegas.

As a social conservative who grew up in Las Vegas, I used to be defensive about my hometown. In 1989, at a professional conference of evangelical Christian scholars, I met a professor from a Southern Bible college who had attended that year's meeting of the Southern Baptist Convention in Las Vegas. Noting that I taught at UNLV, he said in a deep Southern drawl, "I'll ne'er ferget walkin' through them casinos and feelin' the sin in the air," to which I replied, "Similar to the feeling you had during the days of segregation?" He turned and walked away, and I felt pretty proud of my clever comeback. Yet he was perhaps closer to the truth than I would have cared to admit at the time.

The problem is that the life of the mind is inconsistent with the cultural values of Las Vegas. This is why I believe that academics in communities that are considering the legalization of casino gambling should be in the forefront of opposition to such measures. Moreover, I do not believe that the study and teaching of gaming has a place on a university or college campus, except perhaps to examine the social and economic consequences of gaming and the historical and philosophical justifications for it. A university or college should not give aid and comfort to an industry which promotes values antithetical to the mission of higher education.

That is not to say that higher education in Las Vegas is impossible, or that gambling *per se*, as a form of personal amusement (e.g., church bingo, playing poker with "the boys," or making a friendly bet on a ballgame), is wrong. But the cultural values that permeate southern Nevada make it extremely difficult for the community to understand why a university education is important and should be supported. That is why this metropolitan area of 1.7 million people has only *one* university and *one* community college, and why southern Nevada will never be a center in which academic excellence at the university level is cherished and promoted.

The cultural values of Las Vegas emphasize instant gratification, getting something for nothing, and the belief that a thing is worthwhile only because it has instrumental value. The gaming industry and its culture promotes these notions with a vengeance—for without them, gaming would not have become the multibillion dollar industry it is today.

All three attitudes are antithetical to the life of the mind. Intellectual achievement is challenging and requires a lifelong commitment to excellence. The results can be personally rewarding, but rarely does a scholar hit the jackpot financially, and never instantly or through mere luck. Even if she does succeed financially, that is not why she pursued scholarship in the first place. The idea of instant gratification has a detrimental effect upon the intellectual and academic community. A university that names classrooms and buildings after people who promote these ideas sows the seeds of its own destruction. The students who sit in those classrooms become the citizens who decide how higher education will be funded and whether it is worth the cost.

The life of the mind is valuable because it is intrinsically good in itself. Although it certainly may have instrumental value (i.e., it can help you get a good job), that is not the reason why people should attend universities. If you think that the purpose of higher education is merely instrumental, then you should seek out a two-year vocational program at a community college or trade school.

The culture of Vegas tells us that

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things only have instrumental value. You can see this in the slots, the gaming tables, the $3.95 all-you-can-eat buffets, the call girls, the sports books, and the video-poker machines. Outdated Las Vegas casinos (e.g., Dunes, Sands, Hacienda, Landmark) are demolished and replaced by new and more elaborate façades which can separate the tourists from their money. Casinos, of course, do not give customers anything in exchange for their "investment." The wealth acquired by the casino industry, or by the few gamblers fortunate enough to beat the house, is not produced. "[T]he money flowing into casinos, riverboats, and slot machines is money that is being diverted from goods and services in other local businesses," explains Prof. Robert Goodman in his book *The Luck Business*. "Instead of bringing in new wealth to the community, convenience gambling enterprises cannibalize the local economy." Another authority on the economics of gambling, John Kindt, a professor of commerce and legal policy at the University of Illinois, has demonstrated that the state loses three dollars in increased social welfare, criminal justice, and other costs for every dollar it makes on gambling.

A culture based on instrumental value leads its citizens to make such philistine inquiries as "Why study Plato's *Republic* or Hobbes' *Leviathan* if it won't result in a good-paying job?" while never pondering the Socratic comeback, "What good is money if your soul is impoverished?" Of course, instrumentalism is not limited to Las Vegas. But it is exacerbated in a culture that *promotes* it as an unquestioned moral good and whose most famous resident, Andre Agassi, declares in a Canon commercial, "Image is everything."

Rather than promoting casino gambling, colleges and universities ought to be opposed to it. Instead, UNLV has established an International Gaming Institute (IGI). According to its web page, the institute "was created in 1993 in response to the increasing demand for gaming education, training, and research. The Institute is the premier source of information and training for the gaming industry." Its "mission is to provide educational programs, conduct gaming research, and disseminate gaming knowledge via seminars, classes, and publications to businesses, governments, and students throughout the world. One of the most challenging and crucial tasks of the Institute is to stay current in the ever changing gaming industry." It sponsors seminars such as "Slot Volatility/Slot Revenues/Profit Per Square Foot," "Creating Objective Player Rating Systems," and "Mathematics of Casino Table Games/Rule Modification as a Marketing Tool." Some of the courses offered for college credit include "Introduction to the Casino," "Protection of Casino Table Games," and "Seminar in Casino Management." My favorite is "Gaming Internship," which is described in the catalog as:

> a field-based learning experience at a major casino operation designed to increase students' awareness of "how" gaming operations are managed. This course offers a "hands-on" approach and offers applied theory value.

If you believe there is any possibility that the IGI would publish papers or pursue research that reflects negatively on the gaming industry, think again. The IGI is the recipient of numerous financial gifts from the gaming industry. In October 1995, according to a UNLV press release, the IGI

> received a $100,000 grant from ACE Denken Co. of Japan to compile a training manual for the gaming industry. . . . ACE Denken Co., a manufacturer of gaming equipment for the pachinko industry, has been a strong supporter of UNLV's William F. Harrah College of Hotel Administration. A $2 million endowment created by the company and its president, Takatoshi Takemoto, in 1992 enabled the college to launch its Ph.D. program in hospitality administration and a research journal.

According to a May 17, 1995, press release, "a $1 million donation from International Gaming Technology to UNLV will establish the International Game Technology Library, featuring the Gary Royer Gaming Collection, in the UNLV International Gaming Institute."

I am not disputing the legal right of such an institute to exist nor the need for the serious academic study of gaming. But an institute or program that promotes casino gambling should not be supported by a college or university which is supposed to be nurturing the life of the mind. If, as Aristotle believed, "statecraft is soulcraft" and "the state exists for the sake of a good life, and not for the sake of life only," then academics should be in the forefront of resistance to the incorporation of casino gambling in our communities and in the curricula of institutions of higher education.

Francis J. Beckwith is an associate professor of philosophy, culture, and law and the W. Howard Hoffman Scholar at the California Campus of Trinity Graduate School (Deerfield, Illinois). He is also a senior research fellow at the Nevada Policy Research Institute. His most recent book (with G. Koukl) is Relativism: Feet Firmly Planted in Mid-Air *(Baker Books).*

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by George McCartney

The Best Reality Money Can Buy?

> ***The Perfect Storm***
>
> *Produced by Baltimore Spring Creek and Warner Bros.*
> *Directed by Wolfgang Petersen*
> *Screenplay by William D. Wittliff, based on Sebastian Junger's book*
> *Released by Warner Bros.*
>
> ***The Patriot***
>
> *Produced by Centropolis Entertainment and Mutual Film Company*
> *Directed by Roland Emmerich*
> *Screenplay by Robert Rodat*
> *Released by Columbia Pictures*

With few exceptions, there is an inverse relationship between a film's special-effects budget and its artistic imagination: Call it the Jurassic Law. When Steven Spielberg sicced his computerized dinosaurs on us, he proved unequivocally that the more money spent on making things look dazzlingly real, the slacker the plot and the flatter the characterization.

The Perfect Storm conforms perfectly to the Jurassic Law. Director Wolfgang Petersen was given a cool $130 million to adapt Sebastian Junger's best-selling account of the devastating storm that hit the Northeast coastline in 1991, sinking, among other things, the ill-fated fishing boat *Andrea Gail* off Gloucester, Massachusetts. He spared no expense lavishing the screen with computer-generated images of monstrous weather and savage seas. Spectacular? Without question, especially the weirdly (if improbably) illuminated night scenes. They're nothing less than darkness visible.

As hellish spectacles go, however, this one quickly loses its power to unnerve. Other than actually drowning, the worst thing about being lost on the high seas, even vicariously, is the sheer monotony of the experience. Watching waves approach in an endless, swelling parade numbs the emotions, making on-screen drama difficult to sustain. Stephen Crane recognized this problem in "The Open Boat," in which he recounted his experience of being adrift in a lifeboat after suffering shipwreck. He remarks that "a singular disadvantage of the sea lies in the fact that after successfully surmounting one wave you discover that there is another behind it just as important and just as nervously anxious to do something effective in the way of swamping boats." In these conditions, he sourly concludes, "one can get an idea of the resources of the sea in the line of waves." Crane resorted to irony because he knew there was no other way to make his reader pay attention to his waterlogged predicament.

Unfortunately, Petersen doesn't have Crane's wit. To avoid trying our patience, he repeatedly cuts to another crisis, that of the sailing sloop *Satori*, caught in the same storm off Hyannisport. There's warrant for this juxtaposition in Junger's book, but on the screen it only succeeds in disorienting the viewer. Raging seas off Gloucester look remarkably similar to those off Hyannisport; pretty soon, you don't know where you are. What's worse, you don't really care. Like the poor souls in their boats, you feel trapped in a hideously unvarying nightmare.

As for characterization, Peterson leaves it so undeveloped that the fate of the *Andrea Gail*'s crew seems less tragic than irritating. If he and his scriptwriter, William D. Wittliff, have it right—and that's a big "if" in this speculative recreation of events to which there is no living witness—we are to believe the fully seasoned and highly regarded Captain Billy Tyne (George Clooney) would have been boneheaded enough to try to get home by sailing directly into the storm, when he could just as easily have stayed out of its range. Furthermore, he is supposed to have made this decision after discovering that his radio was out of commission.

The script tries to make this decision plausible by having the ship's refrigerator break down, thus leaving the men with a profitable catch of swordfish that will spoil unless they return home as soon as possible. I may be an ignorant landlubber, but this doesn't wash. This was not a Caribbean cruise; it happened in October off the coast of Gloucester. In the film, the men are always dressed in thermal shirts, sweaters, rain slickers, and woolen caps. We're never shown a thermometer, but I suspect the temperature was rarely above 40 degrees Fahrenheit and often considerably lower. Just how quickly would the fish go rotten? Would there not have been time to wait the storm out? Whatever happened on the *Andrea Gail*, the film's scenario seems more ersatz pathos than honest realism. Petersen wants us to see Clooney and his crew shouting their defiance at the storm and plowing bravely into its tumult. "We're Gloucester men," Clooney reminds his stalwart crew, as if this were reason enough to behave with suicidal disrespect for nature. I can't help suspecting Tyne and his men have been done a grave disservice.

Although there are no storms to speak of in *The Patriot*, it nevertheless sinks of its own leaden clichés. Still, there's much to commend in this story of a man drawn reluctantly into the American Revolution.

First, there's the recreation of revolution-era South Carolina, seemingly exact in every detail. Charleston's pastel row houses, its merchant's exchange, the sea wall, the surrounding estates all look absolutely convincing. Then there's the reenactment of 18th-century warfare that powerfully captures the sheer madness of men marching across fields in formation, firing their muskets at each other. These youths present themselves to their enemies as living targets, occasionally vomiting and wetting themselves with fear. There's a harrowing dreamlike quality to these clockwork engagements, with each row of soldiers taking its turn to load and fire. With each fusillade, another 20 or so men pitch forward, spurting blood from bullet wounds. In one scene, a British cannonball whizzes through the line, taking with it the head of a hapless

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teenager. Screenwriter Robert Rodat and director Roland Emmerich have created as honest a vision of war as one can imagine—its wild mix of horror, stupidity, and grandeur—at least in the early scenes.

The film's impressive attention to period detail is more than merely picturesque. Take Emmerich's decision to illuminate his interiors with 18th-century candlelight. This enables him to present Mel Gibson's character, Benjamin Martin, as a middle-aged man emerging from the shadows of his troubled, warrior youth. When he comes upon his son trying on the uniform he himself wore in the French and Indian Wars, he watches, unnoticed, from the darkened hallway. Martin's expression is barely visible as the boy admires his reflection in a mirror. His shadowed presence, however, eloquently conveys his disapproval of his son's military enthusiasm. This simple composition of shade and light creates an intensely disquieting moment. It's one of many similarly arresting scenes.

Martin is a fictional character loosely based on the historical Francis Marion, known as the "Swamp Fox" for his uncanny ability to carry out deadly sorties on the Redcoats and then fade into the Carolina swamps. According to some biographers, however, this hero was less than virtuous: He supposedly hunted Indians for sport and took his pleasure with slave women (with or without their consent). Emmerich has chosen to scrub away some of this grime. His Martin is more chastened than vicious, as the film's opening voice-over reveals: "I have long feared my sins would come back to haunt me." Much later, while explaining to his son his distaste for war, he confesses these sins. As a soldier in the French and Indian Wars, he participated in various atrocities, often while drunk. On one occasion, he and his men caught up with some Indians who were known to have slaughtered colonial women and children. To pay them back, Martin had them butchered alive as slowly as possible; he can still hear their screams, he tells his son. This is why he is reluctant to join the continental army in its battle against the British. As a widower with seven children, he has decided it's best to tend to one's own garden in a world always on the edge of savagery. Moreover, he's not even sure he's sympathetic to the revolutionary cause. "Why should I trade a tyrant 3,000 miles away for 3,000 tyrants one mile away?" he asks, reasonably enough.

But his hand is forced when British troops invade his estate. At first, Martin does all he can to placate them, but when they discover that one of his sons is a continental soldier, their sadistic Colonel Tavington orders the boy to be hanged. As Martin begs for the boy's life, one of his other sons rushes to his brother's aid, and Tavington shoots the 14-year-old dead. These opening scenes make for compelling and instructive melodrama: A man dedicated to peace finds he has no choice but to take up arms against tyrannical outrage. This Martin does in guerrilla fashion, tracking down the detail of redcoats whom Tavington has ordered to carry out the hanging. He brings two of his younger sons, one nine, the other 11, equipping each with rifles. He and his boys ambush the detail, killing them all and rescuing his oldest child. In the process, however, Martin's youthful bloodlust is unleashed again. In a profoundly unsettling scene, he catches up with the last soldier alive. Although the man has been badly wounded and is no longer a threat, Martin lays into him with his hatchet, butchering him before his sons' unbelieving eyes. He emerges bathed in blood from head to toe, baptized in vengeance and hate once more. As understandable as his rage is, it's still terrifying to behold.

At this point, the film seems promisingly complicated. It opens the door on some issues we all need to keep in mind as citizens who may be called upon to defend ourselves, whether individually or collectively. The first half of the film acknowledges the legitimacy of violent means in extreme cases without glossing the moral ambiguities inherent in such means. In fighting our enemies, how do we prevent ourselves from mirroring what's worst in them? Murdering others is rarely a morally unequivocal matter.

Instead of exploring these complications, however, the film settles into a shallow revenge drama. Tavington becomes the monstrous villain and Martin, despite his sullied past, the saintly hero. By the movie's end, we might as well be watching a Hopalong Cassidy episode. On a battlefield of thousands, Martin and Tavington unerringly locate each other for a final showdown. Although the chaos of war howls about their ears—blizzards of musket shot, exploding cannonballs, flailing horses—they somehow find a clearing in which to fight in exquisitely choreographed slow motion. This heroic hogwash didn't play well in *Mission: Impossible 2*; here, in a story that pretends to be historically based and psychologically nuanced, it's embarrassing.

Another issue raised and disappointingly dropped is Tavington's background. His soul has been curdled by the British class system. Born into the aristocracy, he nevertheless finds himself without social position: His profligate father exhausted the family fortune. He has come to the colonies, not out of loyalty to England, but to replace his lost fortune. His twisted mind and ruthless methods reflect his embittered past. To restore his social status, he will stop at nothing, even the burning of a churchful of trapped colonists. (Here, as elsewhere, the film flouts history. Tavington's general, Cornwallis—perfectly played by consummate character actor Tom Wilkinson—would have certainly clapped him in irons for committing such an atrocity. After all, the British were at war with their own colonials, many of whom had no interest in separating from the mother country.)

Tavington's warped character is one of several traces of what seems to have been a far more interesting narrative in the original script than the one that made it to the screen. Martin and Tavington are curiously alike: Both are capable of enormous violence. Martin, however, has chosen to tame his aggressive instincts; Tavington has not. If Tavington has been morally stunted by a hierarchical culture that stymies his ambition at every turn, are we then to infer that Martin has been humanized by a society that has allowed him to rise in the world through his own efforts, acquiring property, a loving wife, and seven devoted children? If this inverted mirroring was the script's intention—and I'm guessing—then it was undermined in favor of celebrating Gibson as the man who singlehandedly won our independence. Thank you, Mel.

In the end, *The Patriot* disappoints by doing so much well and then betraying its own best instincts. Still, despite its missed opportunities and comic-book ending, it moves you with its faithfulness to the look and feel of 18th-century America. C

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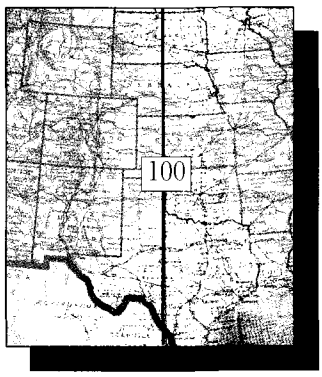
The Hundredth Meridian

by Chilton Williamson, Jr.

A Cowboy at Caramoor



It's a long ride to hear Andrea Marcovicci, the Maria Callas of cabaret, in concert after I missed her in Billings a couple of years ago. At Katonah, New York, I checked into the first motel I saw, snubbing the horse between a Lexus and a VW bus covered with flower decals, left over from the 60's. I showered, and changed into the double-breasted pinstriped suit, snowy white Brooks Brothers linen, and dark-patterned tie I'd brought along in the saddlebags (the Virginian always dressed suitably when *he* went East), then dialed the number of a florist in Mt. Kisco. I'd never sent flowers backstage before, but the occasion, I felt, called for it; the florist, too, seemed properly impressed. At Peppino's in Katonah, the barman and several of his customers discussed Andrea, who has sung annually at Caramoor for the past four years, as if she were a personal friend. I drank a double Tanqueray martini, and a glass of red wine with a plate of pasta. It was eight o'clock, half an hour until show time, when we reached the Caramoor estate, whose carriage house Norma and I nearly rented 20 years ago. I dismounted, tied up to the rear bumper of a Mercedes 400SL convertible, and went on to the box office where my ticket was being held. The Venetian Theater is a permanent tent, shining white and open on three sides with an enclosed stage. Near center in row W, I found my seat among 1,599 others and sat listening to Caramoor's Orchestra of St. Luke's tuning up. In a sold-out house, the only vacant seats were a few added folding chairs. At 8:30 precisely Glenn Mehr-bach lifted his baton and led the orchestra in John Philip Sousa's *Hail to the Spirit of Liberty*. Before the applause finished, Andrea Marcovicci—the *Utterly* Divine Miss M.—in a long wine-colored dress, made a sweeping stage-right entry and launched into Bud Green, Lester Brown, and Ben Homer's *Sentimental Journey*.

Critics have suggested that Marcovicci, to be fully appreciated, needs to be seen in performance. I found it striking how much of her on-stage artistry she manages to convey in recording, by her immense vocal resources alone. A few of the songs included in "Millennium" (alternately billed as "The Great American Songbook: Songs of a Century") were unfamiliar to me, at least as sung by the artist; the majority I was familiar with from her CDs. Even so, watching the long fingers plow backward through the dark short hair, the slender figure turned into the crook of the piano to shake that hair out passionately side-to-side, the feathering left hand, and the hand raised, Callas-like, beside the high cheekbone, I found every movement and gesture familiar, though I had imagined none of it. A more valid criticism may be that Marcovicci should be viewed (and heard) at close quarters, in the intimate cabaret setting of Los Angeles's Gardenia Lounge or the Oak Room of the Algonquin in New York, where she performs for a mere 90 people or so, able to make personal contact with her audience—the way she likes it. At the conclusion of the evening, Miss Marcovicci thanked Caramoor for contributing its orchestra for the performance ("Most girls would choose a diamond ring; I took the orchestra"). Finally she called her mother, Helen Marcovicci Carroll, onstage for a sort of alternative encore—"Hit it, Mother!"—and Mrs. Carroll, who in her youth performed at the St. Regis Hotel's Maisonette, sang the Maurice Chevalier favorite from *Gigi*, "I'm Glad I'm Not Young Anymore," in a Wagnerian mezzo the Sage of Bayreuth would have adored to write music for. Obviously a favorite at Caramoor, she received a huge hand from the audience, and both ladies vanished from the stage. Miss Marcovicci, when she reappeared, was carrying flowers. My flowers. I'd wanted to give her an orchestra instead, but Caramoor beat me to it.

Backstage, I encountered a woman in pearly gray, dark-eyed and dark-haired with a high color, somewhat shorter than I'd imagined her—and yes, she *is* a beauty. Andrea invited me to the post-performance reception, entrusting me to Mrs. Carroll and Shelly Markham (her accompanist and a talented composer in his own right) while she changed into sensible shoes. She joined us shortly afterward at the reception where we spied her, still in costume and with her make-up on, holding a glass of white wine and surrounded by well-wishers. Andrea astonished me by saying she'd rehearsed for the first time with the orchestra that afternoon, the entire program from start to finish. Her singing voice is a direct extension of her speaking one; as she talked, she kept breaking into small dance patterns to illustrate her points. Bidding a departing couple goodnight, she sang *sotto voce* "'And I'll see you when I see you . . . '" Was it my imagination, or had she given me a prompting look sideways? "' . . . fine, okay,'" I finished for her (Stephen Sondheim's "Goodbye For Now"). Andrea gave me her mother's number and requested that I phone the next day: "Not before twelve, please." I promised to call at 45 seconds past the hour and went stumbling away across the darkened Caramoor grounds, trampling the flower beds and shrubbery before I came upon the horse at last, wandering with a magnolia branch in his mouth and trailing the chrome bumper of the Mercedes behind him at the end of the lead.

Two days later I rode through the town of Carmel, turned left at the courthouse, and continued out the Gypsy Trail Road. Gypsy Trail itself, founded in 1911 in the first big push by the upper-middle classes out of New York City, centers on an enormous log lodge set against the treeline below the top of a wooded hill. Following Andrea's carefully exact instructions, I found Mrs. Carroll's handsome house overlooking the reservoir and tied the horse to a flowering bush beside her blue Cadillac. In the saddle bags were a bottle of Pinot Grigio and another of Australian Flat Red. With the wine in a paper bag in one arm and carrying a briefcase in my other hand, I felt like a traveling salesman or a poor fifth cousin twice removed wanting to move in. Andrea, lovely in a

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wraparound skirt and sleeveless black top with a loose-knit white shawl over it, met me on the enclosed porch. She carried the wine to the kitchen, and Mrs. Carroll gave me a tour of the house, graciously calling my attention to what she called "your lovely flowers" ensconced in a vase in one of the public rooms. From the kitchen, Andrea could be heard gaily singing.

"You're just like the song," I said when I rejoined her, referring to Jerome Kern's "Don't Ask Me Not to Sing." "'On my bike I ride and musicalize'—or is it 'hike'?"

"It's 'hike,'" she confirmed. "'On my bike I hike and musicalize / In my planes refrains keep rending the skies!' I sing all the time, it keeps my voice in shape." I asked her if she practiced every day, and she said no. "Though as a performance approaches, I become more disciplined in my preparation."

We drank a glass of Perrier together before switching to spritzers—"*Shpritzers*," Andrea, who I noticed is a stickler with foreign words, privately as in performance, pronounced it. They remind her of her father, who died at the age of 83 in 1968. "The sort of thing you expect for years and then it happens, but it doesn't make the trauma any less. The real grief didn't strike until two years later." Eugene Ernst Marcovicci was an internist who met his wife while she was still singing at the Maisonette: a gallant romantic of the old school, who flirted with every woman within a hundred feet of him. Helen, so far from being jealous, regarded this behavior as simply another display of her husband's manifold social graces. "He was always paying her compliments: compliments, compliments . . ." When Andrea was 11, her father brought home a red coat lined with nutria—appropriate, his wife explained to him, for a girl of 20. As a child, she used to watch her parents dance together; at 35, she decided to make the songs of their generation hers. A photographic portrait on the piano showed Mrs. Carroll as a beautiful young woman. Andrea pointed it out for me, demurring when I observed a certain family resemblance. "Anyway, you're recognizably your mother's daughter," I assured her.

We settled on the porch, Andrea with her feet drawn up on the sofa cushions. My battered old leather accountant's briefcase caught her fancy; she took it on her knees to examine the oilpatch stickers from 20 years ago, and the shiny NRA decal. Andrea placed the end of her finger on it. "My brother would approve of that," she remarked, and I recalled a story she'd told me in our telephone conversation four months earlier, how she walked by accident into a gun store in Billings where the clerk, recognizing "the singer," seemed at a loss to understand what she was doing in his shop. "Buying a *gun*?" Andrea had thought sheepishly.

Her eyes are a deep blue-green with golden lights in them. We discussed our common background growing up in New York City in the 1950's and 60's: Andrea went to Marymount, I attended the Trinity School, where her first great love, Christopher Born, was a year behind me ("Wasn't he *adorable*?"—the spoken intonation exactly matching that of the sung word in her recording of Coleman and McCarthy's "Isn't He Adorable?"); I suffered at Miss Harris's dancing classes while she was obviously learning something at DeRham's. She never came out, and wore a red dress to debutante parties given for other girls ("I'm surprised they let me in!"). When I asked her how she likes living in California after so many years in New York, "I LOVE it!" she answered decidedly. (How many New Yorkers had asked her *that* question before?) I had to tell her that in this instance I was surprised, since New York in general and the Algonquin in particular are so integrally connected to her art. "My musical ear is offended by the cacophony," Andrea explained, adding that lately she has considered moving back in order to put her five-year-old daughter Alice in Marymount.

A *prima donna* in the best sense of the word, Marcovicci has, in place of side and affectation, the most utter self-possession. Talking with her this summer afternoon, I had the reassuring impression of picking up where we'd left off in that hour-long phone talk back in February. ("I've just finished reading your letter, and I feel red all over," Andrea had begun.) An offhand remark she'd made onstage two evenings before about being Catholic had struck me at the time as unusual behavior for a performing artist; I brought it up to her now, adding that I am a convert myself. "Oh," Andrea said, "I was very devout as a girl, going to Mass every day with my missal."

"The *Novus Ordo* can be irritating, can't it? Little things like guitar Masses, for instance."

"LITTLE things?" Andrea flared her nostrils. "I liked the ritual . . . the MYSTERY!"

We discussed the narrowing of knowledge and experience in contemporary culture, where allusions formerly recognizable by all educated people today fly over the heads of the young (as well as the not-so-young); a culture that congratulates itself on its sophistication and cosmopolitanism because it has the Internet. No intellectual snob, this woman whose career is "taking light music seriously" enjoys Dean Koontz's novels (*False Memory* especially): "Anything that can get me through the agony of six hours in the air! Going to work isn't so bad, but the impatience of the return trip makes it almost unbearable. I ought to keep a diary on the road, but I don't have time until I'm on the plane, and then I'm too exhausted to discipline myself to use the time for writing."

Andrea's shows are "months and months" in preparation, partly owing to her conscientious refusal to cheat by cannibalizing one for the sake of another. "When in doubt, bring in Jerome Kern; or second, Fred Astaire." Her voice is in the process of changing—going up, not down, as it matures, confounding the experience of her vocal teacher (though some operatic tenors, notably Lauritz Melchior and Carlo Bergonzi, have begun their careers as baritones). "I've lost my chest voice, and I can't get it back no matter how hard I try; I can't belt. You can't expect to hear me stay long on a high note, *forte*." When I complimented her on keeping above the orchestra the other night, she explained that Glenn Mehrbach's arrangements are designed to prevent some overly excited instrumentalist from covering her at critical moments.

After an hour or so, Mrs. Carroll joined us on the porch; also Shelly Markham, who wrote the lovely music for "The Sweetest of Nights and the Finest of Days" (lyrics by Judith Viorst), incorporated in "Millennium." Andrea brought more ice and poured more wine, while I teased Mrs. Carroll (who had placed third in a Sunfish race on the lake the day before) about singing Wagner at the Met next season and her daughter took up the running gig between them, constructed around Mrs. Carroll's perennial turn-off-the-lights campaign. "Mother grew up in the Depression. No wonder people were depressed in those days—they lived in the dark!" Once a year Mrs. Carroll closes the windows and the outer doors tight, then opens the cellar door. The cold air

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from below rises to cool the entire house. "And it doesn't cost her a cent!" Andrea finished admiringly.

The conversation turned briefly to show business, for me a well-timed reminder that Andrea Marcovicci, whom I know almost entirely so far as a singer and musician, is in addition a distinguished actress whose life and career remain deeply embedded in the theatrical and film worlds. (Bringing together the threads of previous careers—on Broadway and off, Shakespeare in the Park, Woody Allen films, and made-for-television movies—to effect something marvelously original and strikingly unique may well be her greatest achievement.) When the wine was gone and no one had anything left to contribute on the subjects of Henry Jaglom and John Simon, Andrea proposed a swim in the lake, and she, Shelly, and I went to change.

The presence of Andrea Marcovicci does not conduce to an acute awareness of one's further surroundings. Having glimpsed water through the screen of trees, I'd imagined a secluded path of a hundred feet or so, descending from Mrs. Carroll's back door to the waterside. In the guest bathroom, I removed shirt and summer slacks, hung them from a hook on the inside of the door, and drew on my bathing suit. A pile of neatly folded towels was at hand, but I remember what *my* mother had to say about taking bath towels to the beach. And it was only a hundred feet down there, anyway. I left the bathroom and padded on bare feet through the house to the kitchen, where Shelly, Andrea, and her mother awaited me in street clothes—and I stood appalled in virtual nudity, wearing only a Speedo swimsuit at the center of Mrs. Carroll's elegant house! Of course, they'd put their clothes back on *over* their suits for the walk of several hundred yards downhill, past neighboring houses to the lakeside. Playfully, Andrea tossed me a beach towel to catch. I snatched at it like a pug dog catching a bonbon in midair and draped the thing around my neck in a desperate effort to achieve what I hoped was the debonair look.

The beach was private, a strand of white sand further improved by a bathhouse, snack bar, floating dock, and markers. Lush green hills surrounding the glinting brown lake respired the humid, clinging atmosphere. We ordered from the snack bar and stood chatting on the sand with a couple about to swim to the far shore, while waiting for the order to come up. When Andrea admired the fins they were using, the woman brought her the Zoom box-end so she could order a pair off the Internet to take with her on vacation in Hawaii in August. We sat at a table under an umbrella to eat lunch; afterward, Andrea said we must swim now, as she had to drive into town on errands for her mother. The danger of swimming after eating was, she insisted, a myth. Slightly encumbered by half a turkey sandwich I joined the Spains on their swim across the lake. The trip over took under ten minutes, allowing me to estimate the distance at about a quarter-mile. The water, spotted by raindrops, had a soft feel, and the stony yellow bottom was visible most of the way. On the return voyage, I suffered a stitch in my side and rolled onto my back to relieve it, while praying Andrea knew whereof she spoke. (I hadn't ridden all the way from Wyoming to drown at her feet.) When the stitch passed, I rolled onto my belly again, finished the trip freestyle, and emerged to find Andrea Marcovicci standing to her knees in water and smiling at me—a vision nearly as beatific as that of St. Peter beaming through parting clouds of rose and gold.

At the house Andrea, after studying Mrs. Carroll's shopping list, announced she'd been given her marching orders. Next Friday and Saturday evenings, July 7 and 8, she and Shelly were booked to perform "Our Songs" at the Guildhall in East Hampton. On the way out through the kitchen Andrea paused to discard two moldy peaches left out on the end of the countertop. "'There's some clinging peaches / you can help yourself,' I could not resist offering, at further risk of becoming a serious nuisance. She blew me a parting kiss across the Landau top of her mother's elderly Cadillac: "Until we meet again!" I might call after her return to California between July 19th and the 31st. "After that I want to be left alone, like Garbo." I assured her, as I untied the horse from the bush and stepped up to the saddle, I expected to be in the mountains for the month of August, grilling trout over a campfire and drinking Jim Beam from the bottle—no time or opportunity to intrude on anybody's privacy. Come to think, it was going to take from now until September 1 just to get home.

Andrea blew me a final kiss as, with a song in my heart, I turned the horse's head toward the setting sun and put him forward at a trot. Andrea Marcovicci: Every cowboy's living dream . . .

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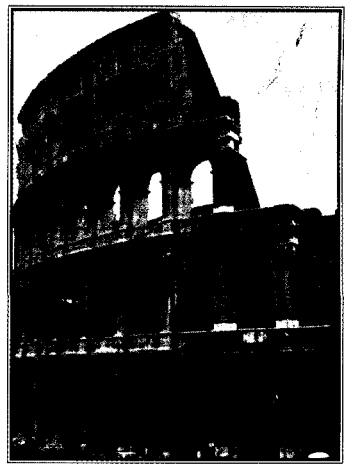

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